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INVESTIGATION OF COMMUNIST INFILTRATION OF
GOVERNMENT—PART 3

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HEARINGS

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES

EIGHTY-FOURTH CONGRESS

SECOND SESSION

FEBRUARY 14, 15, AND 16, 1956

Printed for the use of the Committee on Un-American Activities

(Index in Part 5 of this series)



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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress (1946), chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American Activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 84TH CONGRESS

House Resolution 5, January 5, 1955

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * *
(q) Committee on Un-American Activities, to consist of nine members.
* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American Activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

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INVESTIGATION OF COMMUNIST INFILTRATION OF GOVERNMENT—PART 3

TUESDAY, FEBRUARY 14, 1956

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 10:15 a. m., pursuant to notice, in the Caucus Room of the House Office Building, Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Francis E. Walter, of Pennsylvania (presiding); Morgan M. Moulder, of Missouri; Clyde Doyle, of California; James B. Frazier, Jr., of Tennessee, and Edwin E. Willis, of Louisiana.

Staff members present: Richard Arens, acting counsel; Courtney E. Owens, investigator.

The CHAIRMAN. The committee will come to order.

Let the record show that I, Francis E. Walter of Pennsylvania, chairman of the Committee on Un-American Activities, House of Representatives, Washington, D. C., pursuant to the provisions of law, have duly appointed a subcommittee for the purpose of conducting this hearing, composed of Representatives Moulder, Doyle, Frazier, and myself, as subcommittee chairman.

As is generally known, this committee, in 1948, received extensive testimony from Whittaker Chambers and Elizabeth Bentley, dealing with the existence of certain Communist cells within the Federal Government service.

From this testimony it was quite apparent that there existed within the Government, other organized cells of the Communist Party. This was confirmed, in part, when the committee heard the testimony of Mary Stalcup Markward, who, as an undercover agent for the Federal Bureau of Investigation, attained the position of treasurer of the Communist Party of Washington, D. C. She testified that she was aware of the existence of several organized cells in various Government agencies by virtue of receiving dues payments; however, the identity of the groups and of the individuals were unknown to her because of the high degree of security practiced by the Communist Party in protecting these groups. This fact was confirmed by the testimony of Herbert Fuchs at the beginning of these hearings in Chicago on December 13, 1955. This is a continuation of those hearings. Professor Fuchs, in his testimony, testified fully and completely about his Communist Party membership while

being an employee of the Federal Government and gave the committee information heretofore unknown. This investigation and hearings are expected to reveal the former existence of at least 10 cells of organized, disciplined Communists within various Government agencies, comprised at that time of Government employees.

The Congress and the agencies involved must be made aware of the character, extent, and objectives of Communist propaganda activities when such activities are carried on by Government employees who are subject to the direction and discipline of the Communist Party, and this is the purpose of these hearings.

On the basis of staff investigations and hearings which have been held, we anticipate that this series of hearings will disclose the identity of certain people who have been or now are in the Communist apparatus, some of whom were first identified during the testimony of Herbert Fuchs in Chicago on December 13, 1955, and others who have not been thus far identified publicly. The hearings will reveal a situation that existed in the Federal Government in the past regarding Communist infiltration, and will indicate whether or not there is any present infiltration of the Government service by the Communist Party; to this end, the committee intends to interrogate several present employees of the Federal Government. However, it would be premature for any conclusions to be drawn at this time that there exists today in the Federal service any number of Communist Party members.

With regard to those subpoenaed for these hearings, the committee will try to develop the facts as to what these people are doing now, whether they are still in the Communist apparatus, and, if so, something of their activities, whether in Government, in industry, labor, or the professions.

I think it is important to emphasize that a Communist or a person under Communist discipline can often be as dangerous to the security of our Nation in nongovernmental activities as he can if he is technically on the Government payroll.

To the witness who has once been a part of that alien conspiracy and has seen the error of his ways and broken with the Communist Party, and is possessed of the fortitude to take the stand and relate his experiences and give the committee the benefit of his knowledge, the committee and the country owe a debt of gratitude. It is not an easy task to appear before a congressional committee and lay bare all of your shortcomings of years gone by. Such persons will be subjected to all the vituperations that can be heaped upon them by the well-organized smear band of the Communist Party and its henchmen. To those witnesses who decide they will give us the benefit of their knowledge, I have this to say: You will have the heartfelt thanks of your fellow Americans and you will have made a worthy contribution to the cause of a free world.

It is the standing rule of this committee that any person named in the course of a committee hearing as a member of the Communist Party, be given an early opportunity to appear before this committee, if he so desires, for the purpose of denying or explaining any testimony adversely affecting him. Should such an occasion arise, the individual concerned should communicate with a member of the staff or with me.

Those of you present in this hearing room are reminded that you are the guests of the committee. Disturbances of any kind or audible comment during the course of testimony, whether favorable or unfavorable to any witness or the committee, will not be tolerated. For infractions of this rule, the offender immediately will be asked to leave the room.

Call your first witness, Mr. Arens.

Mr. ARENS. Mr. James E. Gorham.

**TESTIMONY OF JAMES EDGAR GORHAM, ACCOMPANIED BY
COUNSEL, MURDAUGH STUART MADDEN**

Mr. ARENS. Will you kindly remain standing and raise your hand to be sworn?

The CHAIRMAN. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GORHAM. I do.

Mr. ARENS. Will you kindly state your full name?

Mr. GORHAM. James Edgar Gorham.

Mr. ARENS. Are you accompanied today by counsel?

Mr. GORHAM. Yes, sir.

Mr. ARENS. Will counsel identify himself for the record?

Mr. MADDEN. Murdaugh S. Madden. I am an attorney here in Washington, D. C.

Mr. ARENS. Mr. Gorham, are you appearing today before the House Committee on Un-American Activities, pursuant to a subpoena which was served upon you?

Mr. GORHAM. Yes, sir.

Mr. ARENS. That subpoena was served on you on the 23d day of September 1955; is that correct?

Mr. GORHAM. I believe so, sir.

Mr. ARENS. At the time of service of this subpoena, where were you employed?

Mr. GORHAM. At the time of the service of the subpoena I had resigned from the Civil Aeronautics Board but the resignation had not taken effect as yet.

Mr. ARENS. Have you resigned from that position as of now?

Mr. GORHAM. Yes, sir, as of September 30.

Mr. ARENS. In your own way, would you kindly give the committee a brief résumé of your early life, where you were born and when, and a word about your educational background.

Mr. GORHAM. I was born in Philadelphia in June of 1911, and my family moved to New York about 1918. I completed my education in New York public schools, and I started college at the State School of Forestry at Syracuse, but transferred to Columbia to study economics in the middle of my freshman year. I received my bachelor of arts at Columbia.

Mr. ARENS. What year was that?

Mr. GORHAM. 1934.

Mr. ARENS. Will you please give us without details the sequence of the employments which you have had since you completed your

formal education, the places of your employment, and a word of description of that employment?

Mr. GORHAM. Actually my employment with the Government started before I had completed my college education. I was employed in a relief project in New York in February of 1934, and I was completing my work for a degree which I got in June of 1934. So I started my Government employment in February of 1934 in a project under the general administration of Mr. Eastman, who was then Federal Coordinator of Transportation.

Mr. ARENS. What was the nature of your particular assignment?

Mr. GORHAM. I was a statistical clerk.

Mr. ARENS. And the name of the agency?

Mr. GORHAM. Well, I have forgotten the project number, but I think it was 177. It was the white-collar civil works project under FERA, but it was a study of wages and hours of railroad employees in connection with the need for retirement systems.

Mr. ARENS. And the location?

Mr. GORHAM. In New York, at, I believe, 60 Hudson Street.

Mr. ARENS. Kindly move on to the next employment.

Mr. GORHAM. During the period of my employment in New York, the first Railroad Retirement Act was passed, and at that time the bulk of the employees who were then on the project were transferred for a brief period to the railroad retirement payroll. That was, I believe, about September of 1934.

Mr. ARENS. Were you included in that group that was transferred?

Mr. GORHAM. I was, yes. Now, we remained in New York. The act was declared unconstitutional by a lower court and we were taken back on the Coordinator's payroll until the 1st of December of 1934, at which time the project in New York was liquidated and 26 people were brought to Washington to finish some of the remaining work on the project. I was 1 of the 26.

Mr. ARENS. Would you kindly keep the chronology in order here. What year were you transferred to Washington as part of this group?

Mr. GORHAM. It was in December of 1934. Actually, it was not a transfer. Technically, it was a new employment, and an offer of temporary employment. I was almost immediately—I would say, within a week after my coming to Washington—loaned to the Railroad Retirement Board which was operating with a limited staff under lower court injunction.

Mr. ARENS. In what capacity did you serve with the Railroad Retirement Board?

Mr. GORHAM. I served as assistant to the Chairman of the Board, engaged primarily in the collection of data on control over railroad subsidiaries, in connection with the proposed administration.

Mr. ARENS. Proceed, if you please, on the chronology.

Mr. GORHAM. The Railroad Retirement Act was declared unconstitutional by the Supreme Court in, I think, June or July of 1935. Shortly after that or about that time, it was planned to undertake an investigation of railroad financing, and I applied for a job with that organization, but I was not immediately employed.

Mr. ARENS. What organization?

Mr. GORHAM. The Subcommittee To Investigate Railroads, Holding Companies, and Related Matters.

Mr. ARENS. Could you give us a better description of that subcommittee?

Mr. GORHAM. It was a subcommittee of the Senate Committee on Interstate and Foreign Commerce, set up under Senate Resolution 71.

Mr. ARENS. Who was the chairman of the committee?

Mr. GORHAM. The chairman of the committee was Senator Wheeler, and the chairman of the subcommittee was the then Senator Truman.

Mr. ARENS. Without going into detail, would you kindly go on with the chronology. How long were you with this committee, and in what capacity?

Mr. GORHAM. I was not immediately taken on by the committee and since I was not, nor had no other employment prospects, I applied for and received a job with the Works Progress Administration. I went with the Works Progress Administration in July of 1935, and I was engaged in establishing a statistical coding system for control of the Works Progress activities, measuring the rate of employment in utilization of materials.

Toward the end of 1935—and I am not sure of the exact month—the Senate Committee on Interstate and Foreign Commerce requested the Works Progress Administration to lend my services to them for the work of the subcommittee, which the Works Progress Administration did. So that I commenced my employment, although not on the payroll, by actual employment with the Senate subcommittee some time toward the end of 1935.

Mr. ARENS. Although you had previously been working with the subcommittee on a loan arrangement; is that correct?

Mr. GORHAM. No, sir; I am sorry. I am trying to get this straight. When I left the Railroad Retirement Board I went to the Works Progress Administration and worked for them in their own offices, and in the fall of 1935 I went to work on loan from WPA to the railroad finance investigation.

Mr. ARENS. Of the Wheeler committee?

Mr. GORHAM. Yes. Now, I think I remained on loan for a period of approximately 2 or 2½ years, at which time the Works Progress Administration found it impossible to continue me on their payroll, and the committee, itself, took me on their payroll. I am not sure of the exact date of that, although the Government records will undoubtedly show it, but I did go on the Senate committee payroll before I left the committee work, which was in May of 1938.

Mr. ARENS. Kindly tell us the next employment you had and the approximate dates of that employment.

Mr. GORHAM. After leaving the railroad finance investigation there was a proposal to cut the wages of railroad employees by 15 percent in 1938. Several of the railroad unions were attempting to fight the proposed cut and someone, I don't know whom, proposed to the Brotherhood of Railroad Trainmen that if they could develop information on the wages of the railroads in their financial activities, it would show what the wage cut was unneeded. So 2 or 3 people from the former Wheeler committee staff, including myself, were employed by the Brotherhood of Railroad Trainmen to pull together the material from public records for that. I worked for the Brotherhood from, I think, May to October of 1938, and part of the time in Washington, and part in Chicago.

Mr. ARENS. Will you kindly proceed, then, to recount the next employment you had, together with the approximate dates.

Mr. GORHAM. In 1938, the joint House-Senate investigation of monopoly was instituted, and as part of their policy they allocated funds to various agencies who specialized in particular fields to conduct investigations for them. One such agency was the Securities and Exchange Commission.

My work with the Wheeler subcommittee gave me a detailed knowledge of railroad financing and I was originally hired by the Securities and Exchange Commission in October or November of 1938 to make studies of the Van Sweringen Railroad finance empire. I subsequently made a study of concentration of stockownership for the monopoly committee.

Mr. ARENS. When did that employment terminate?

Mr. GORHAM. The Monopoly Study Division of the SEC was liquidated, I think, in the early part of 1940, and I was continued on the committee's own payroll until I finished the particular monograph which I was working on, which was in September or October of 1940. At that time I returned to the SEC, having secured a regular full-time job there as an employee in the Investment Company Division of the Securities and Exchange Commission.

Mr. ARENS. When did that employment with SEC, as such, terminate?

Mr. GORHAM. The Securities and Exchange Commission did not get involved in the defense effort and I transferred to the Office of Price Administration in March of 1942, in order to play some part in the defense effort.

Mr. ARENS. State briefly, without too much detail, what was your function at OPA?

Mr. GORHAM. I held various jobs in the 5 years I was in OPA, and they all dealt with economic analysis, and I was originally in the Research Division, and I was head of a research section in the Machinery Branch, and I was in the Executive Office of the President reviewing proposed projects, and I was later economic investigator in the Apparel Division, and still later the same position in the Building Materials Division. And subsequent to that I was price executive of the Building Construction Price Branch, and finally, the division economist for the Building Construction Price Branch, which position I left when the agency was liquidated in 1946.

Mr. ARENS. When did you finally become disassociated from the OPA?

Mr. GORHAM. There was a continuation project. I have forgotten the name of it. It was an office for temporary controls, or something like that, set up, which continued through part of 1947, and I think I was terminated from that project in March, April or May, some one of those months. I was put on leave status.

Mr. ARENS. Tell us, if you please, your next employment.

Mr. GORHAM. I was employed very briefly in the construction industry and in an unsuccessful attempt at prefabricated housing.

Mr. ARENS. Outside the Government?

Mr. GORHAM. Yes; sir; and I returned to the Government in October of 1947, as an employee of the Civil Aeronautics Board.

Mr. ARENS. That is the employment from which you resigned about the time you received this subpoena from the House Committee on Un-American Activities; is that correct?

Mr. GORHAM. I had actually resigned prior to receiving the subpoena, and I accelerated my resignation when I received it in a desire to avoid any possible embarrassment to the agency, since I intended to leave it anyway.

Mr. ARENS. Mr. Gorham, have you ever been a member of the Communist Party?

Mr. GORHAM. Yes, sir.

Mr. ARENS. Kindly tell us, if you please, sir, for the moment, just the dates when you were a member of the Communist Party, when you were recruited, and your period of service.

Mr. GORHAM. I joined the Communist Party in this New York project in May, I believe, of 1934, and I finally left the party when the Securities and Exchange Commission moved to Philadelphia, which would be—I either left in the latter part of 1941 or the first month or two in 1942.

Mr. ARENS. Would you kindly tell us the circumstances surrounding your joining of the Communist Party?

Mr. GORHAM. Yes, sir. I had been a member of the Socialist Party at the time, and I had been active in the development of what we hoped would be means of avoiding a world war on the campus, in the years 1932, 1933, and 1934. I had actively fought communism, as a matter of fact, and Communist control of campus organizations. I found when I came to work for this particular project and joined a union on this Government project, that groups who operated in the same way they had operated on the Columbia campus were active in the union. I attempted to enlist the support of other Socialists in a counter group, and I was unsuccessful in doing so. The Socialist morale was at a rather low ebb at that time, and Dollfuss had just exterminated the Socialists in Austria, and the morale was generally pretty low. Finding no cooperation from other liberals and other Socialists on the project, I came to the conclusion that if I could not lick them, I would join them and perhaps I could do something inside the Communist Party to keep them from involving the union unduly, in extracurricular activities. I approached some of the people whom I thought were Communists and expressed an interest, and they expressed an interest in me and told me something about the party.

Mr. ARENS. Mr. Gorham, I propose to interrogate you in detail with reference to each unit or fraction of the Communist Party in which you were a member, all through your career in the party, including the time, of course, in which you held various positions in the Federal Government. So I now invite your attention to the first unit or fraction of which you were a member.

Will you tell us, if you please, sir, who actually recruited you into this first unit, and identify the unit.

Mr. GORHAM. There was a Mr. Louis Lehrman, who was an employee of the project, and whom I knew fairly well both from union activities and since he was a senior statistician, or senior to me on the project.

Mr. ARENS. Would you kindly identify him as fully as you can by physical appearance, position, or station in life, and any other de-

scriptive data that would more clearly make his identification evident.

Mr. GORHAM. I am going back 22 years, and I can only give you my best recollection of someone 22 years ago, as I remember him now. But Mr. Lehrman, at that time, at any rate, was fairly slight in build, I would say dark complexion, straight hair, and wore fairly heavy glasses, as I recall, and I would say he was shorter than I am, which would place him around 5 feet 6 to 5 feet 8. And that is about all I can tell you about him.

Mr. ARENS. Where did you become acquainted with Mr. Lehrman?

Mr. GORHAM. On the project where we both were employed and through the union activities.

The CHAIRMAN. May I interrupt at that point?

Mr. Gorham, at the time that you were transferred to Washington, I believe it was in December of 1934, were you a member of the Communist Party?

Mr. GORHAM. Yes, sir.

The CHAIRMAN. Were the other 26 people employed with you on that project all Communists?

Mr. GORHAM. Not to my knowledge, sir. I believe I was the only one.

Mr. ARENS. Kindly identify the Communist unit or fraction with which you were connected in this project in New York City.

Mr. GORHAM. This was actually what they called a fraction. In other words, it included non-Party members who were sympathetic to the Party and members of youth organizations who were working on the project. It was organized entirely of people who were working on this particular job—total employment originally numbered 500. So the fraction, itself, I think, may have amounted to upwards of a dozen people. Of them only a few were actual Communist Party members.

Mr. ARENS. On the basis of your experience in this fraction, did you have occasion to become acquainted and familiarize yourself with names and identities of persons who were, to your certain knowledge, known to be members of the Communist Party?

Mr. GORHAM. Yes. There was Mr. Lehrman and there were 2 or 3 others of whom, my recollection is, were party members.

Mr. ARENS. Would you kindly identify the other members of that fraction who, to your certain knowledge, were members of the Communist Party?

Mr. GORHAM. To the best of my recollection—and I must again warn that we are going back 22 years—the members of the fraction who were party members, the leader was a woman, a girl by the name of Barbara Best.

Mr. ARENS. Would you kindly give us as much identification as you can with reference to Barbara Best?

Mr. GORHAM. I do not recall too much about her.

Mr. ARENS. Was she employed at the same place?

Mr. GORHAM. Yes; I believe she was.

Mr. ARENS. In what capacity?

Mr. GORHAM. These were mainly clerks, this was primarily a clerical operation.

Mr. ARENS. What was her function with the fraction?

Mr. GORHAM. She was the leader of this fraction, definitely, and I am trying to recall her appearance. She was not tall, she was fairly short, I would say around 5 feet 2, or something like that, and also I think—I can't tell you much more about her, but I believe she wore her hair long at the time.

Mr. ARENS. When did you last have contact with her?

Mr. GORHAM. When I moved to Washington in 1934.

Mr. ARENS. Can you identify other members of that fraction?

Mr. GORHAM. Yes; there was a man who shared leadership with her, whose name I recall as Bob, and I have been unable to identify him further. There was, in addition to that, a man by the name of Elkind, Lawrence Elkind, who was a member of the party at that time.

Mr. ARENS. Can you give us a bit of descriptive data with reference to Lawrence Elkind?

Mr. GORHAM. He was about the same height as Miss Best. In other words, he was shorter than Lehrman, and he was an older man, and at the time I must have been 23, and he would probably have been in his 30's at that time.

Mr. ARENS. Do you here and now identify Lawrence Elkind as a person who, to your certain knowledge, was a member of the Communist Party?

Mr. GORHAM. To the best of my knowledge, sir.

Mr. ARENS. And you served with him in this fraction?

Mr. GORHAM. Yes, sir.

Mr. ARENS. Are there other persons who, to your certain knowledge, were members of the Communist Party within this fraction?

Mr. GORHAM. Not to my certain knowledge, no, sir. There were others who were in the fraction, but as far as I know they were not at the time active party members. They may have been in youth groups.

Mr. ARENS. Do you have a recollection, Mr. Gorham, of other functionaries of the Communist Party who may have had contact with this particular fraction to give the instructions or to give the supervision or to have any contact partywise with this fraction?

Mr. GORHAM. The fraction was split up and down and through the middle with bitter disagreement on how the union affairs should be conducted and what should be done beyond that. There was at least one visit, I recall, by some party functionary, to tell us that we ought not to operate that way. I do not recall who it was who was brought in.

The only other functionary I had any contact with was when I was originally signed up as a Communist Party member, and then I was taken to see—I do not remember the man's name—he was in some kind of insurance business at the time, and I think he has since died. It is a name that I have heard and it is rather well-known, I believe, but I do not recall it at the moment.

Mr. ARENS. Before we leave this fraction in New York City to move on to the next activity of yours in the Communist Party, could you tell us something of the functions performed by this fraction of the Communist Party in which you were active?

Mr. GORHAM. Yes, sir. The functions were originally and primarily to develop a strong union organization among the employees of the project.

Mr. ARENS. When you say "a strong union organization," what do you mean?

Mr. GORHAM. Numerically strong, and strong in the sense that it had an active grievance procedure, and that it would attempt to handle matters to which the employees objected.

It also, in addition to the union activity, attempted to involve its members in citywide relief demonstrations asking for higher relief allowances, and so on.

Mr. ARENS. Did you participate in those demonstrations?

Mr. GORHAM. Yes, and helped to organize them. And I think there was mass picketting on one occasion that I participated in.

Mr. ARENS. Would you kindly continue in the career which you had in the Communist Party by reciting the description of the next unit of the party to which you were attached?

Mr. GORHAM. I mentioned, in reviewing my employment, that for a period of time this group was put on the payroll of the Railroad Retirement Board. The number of people employed by the project had then been reduced to about 200 from the original 500. It was expected that these people would be the original nucleus of the Railroad Retirement Board staff under the then new act, since the act had grown out of the work of this particular project. At about that time, which would be in September if my recollection is correct—

Mr. ARENS. Of 1934?

Mr. GORHAM. Yes. Three people visited us from Washington to confer with 2 or 3 of the members of the fraction about the Washington organization and about what would be done when we were moved to Washington.

Mr. ARENS. Who were those 2 or 3 people who visited you from Washington?

Mr. GORHAM. One of them was Mr. Albert Blumberg, who was at that time, I believe, at Johns Hopkins University. And another was Miss Eleanor Nelson, who was then, I think, employed by the Labor Department. And the third, if my recollection is correct, was Mr. Henry Rhine, who was then employed by the National Recovery Administration.

Mr. ARENS. Did you acquire knowledge that each of these three persons whom you have just named were at that time Communist Party functionaries?

Mr. GORHAM. They came to us in that capacity, sir, to explain to a selected group which included Miss Best, Mr. Elkind, and myself, and possibly this man Bob, I am not sure—to explain to us what the nature of the organizational setup was in Washington and what the nature of the union situation would be.

Mr. ARENS. By "the nature of the organizational setup," I take it that you mean the nature of the Communist Party organizational setup.

Mr. GORHAM. Yes, sir.

Mr. ARENS. Do you, here and now, identify Albert Blumberg, Eleanor Nelson, and Henry Rhine as persons who, to your certain knowledge, were Communist Party functionaries?

Mr. GORHAM. They represented themselves to be so, sir.

Mr. ARENS. Did they confer with you and other Communists in closed sessions, in New York City?

Mr. GORHAM. One such session.

Mr. ARENS. And no person was admitted to that session who was not a Communist; is that correct?

Mr. GORHAM. Yes, that is my basis for feeling sure of my identification of the people I have identified from the fraction.

Mr. ARENS. Without going into too much detail with reference to these conversations, tell us, so far as you could ascertain, the essence of those conversations, the purpose of the conversations, and the result of the conversations.

Mr. GORHAM. It was explained at that time, in the Government in Washington there were two union organizations, one in the A. F. of L., and another independent of the A. F. of L., and that within the A. F. of L. unions there was a difference of opinion in how union work should be conducted. It was said that the unions in which the Communists had an influence were attempting to develop something parallel to unionism outside the Government. That is, the right to have grievance machinery, the right to secure adjustment in working conditions, and other similar activities, that the leadership of the union at that time was interested primarily in securing actions through legislation.

They also told us something about the unions which were what they described as progressive. They did not specifically state that there was Communist influence in each of these. My recollection of the organizations mentioned were the NRA, the then Agricultural Adjustment Administration, the then Labor Department. I do not recall the others. This is, again, 1934, when there were not too many organizations.

Mr. ARENS. Mr. Gorham, the record ought to be a little clearer here with reference to one item. Did any Communist, to your knowledge, set in motion the machinery for the transfer of known Communists from New York City to Washington?

Mr. GORHAM. That was the intent of this particular visit, but as I shall explain in a minute, sir, it was not accomplished because of some changes in the work situation.

Mr. ARENS. Would you kindly proceed?

Mr. GORHAM. They also went, at some length, into an explanation of the Communist Party apparatus in Washington. They stated that there was what they described as an open party, which did not include Government employees, and there was another party organization which they said was organized on sort of a modified A B C system, which they explained to mean that the groups in one unit would have one person in the unit who would meet with similar individuals from other units, who in turn would have one person forming liaison to a higher unit, and the purpose of this was to prevent discovery or detection. As we went into Communist operations in Washington, we would be expected to counsel our membership in the party since they felt that our effectiveness would be destroyed if we were known to be Communists.

There was no such restriction in New York, although I had not publicly announced my membership.

Mr. ARENS. Could you give us additional information with reference to their description to you of the "open party" in Washington?

Mr. GORHAM. They did not go into very great detail. It was organized primarily among non-Government employees.

Mr. ARENS. Did they give you an indication of its numerical strength and the extent to which its tentacles had permeated through the operations here in Washington?

Mr. GORHAM. There was not very much discussion of it, since we were not going to be a part of it. I think all they said was that there was such an organization and organized relief demonstrations just as the Communist Party did in New York, and things of that sort, and May Day parades in Franklin Park here.

They did not go into that because we were not to have any contact with it and not to be a part of it.

Mr. ARENS. Will you kindly dwell for a moment on the underground party, as they described it to you in this session or series of sessions in New York City?

Mr. GORHAM. The primary mission of the underground party in Washington we were going into was to organize what they described as a militant—I think the word used was a “real union.” It was to get the union organization in Washington functioning in grievance activity in seeking adjustment through direct negotiations between the employees and their immediate supervisors, and so on.

Mr. ARENS. By a “real union,” or a powerful union, did they not have reference to a union which would be controlled, lock, stock, and barrel, by the Communist Party?

Mr. GORHAM. I think that is definitely so, sir.

Mr. ARENS. Did they, in the course of your conversations with them, give you an indication of the extent to which the underground Communist apparatus had penetrated the various agencies of the Federal Government?

Mr. GORHAM. No, I received the impression that it was in all of the organizations that they mentioned as having sympathetic unions, and, of course, you see, among the 3 people who were there, was 1 man from NRA, and a woman from the Labor Department, so obviously there were 2 departments right there.

Mr. ARENS. Kindly describe, if you please, sir, the organization within the Communist apparatus with which you were first identified upon your arrival in Washington.

Mr. GORHAM. Yes, sir. As I explained, the Railroad Retirement Board was declared unconstitutional, and the employees were cut off, and instead of 200 people coming to Washington, only 26 people came to Washington. Now, there had been organized on the project in New York, originally as a rival union, a lodge of the American Federation of Government Employees. I believe it was after the visit of Blumberg and these others that the people in New York, myself included, dissolved our independent union and joined the A. F. of L. union. When we moved to Washington, then, it so happened by sheer accident of selection that very few of the people who had organized the A. F. of L. union and who had been opposed to the group I was working with, were brought to Washington. Only 1 or 2, I think, came, and I think of the total 26 people who came to Washington, only about 15 were members of the union.

Mr. ARENS. How many of those were Communists?

Mr. GORHAM. I believe I was the only one, sir.

Mr. ARENS. Tell us about the unit to which you were attached upon your arrival in Washington.

Mr. GORHAM. That is what I am doing. The union, once it got in Washington—or the group, once it got in Washington, chose me to act as president of the local, and as such I attended meetings of the District department of the American Federation of Government Employees. At one such meeting, or at a meeting of the Central Labor Union, I am not sure which, some 3 months after coming to Washington—in other words, about February, I think, of 1935—I ran into Henry Rhine, whom I had mentioned as one of the three people who had met with us in New York.

Mr. ARENS. As a Communist?

Mr. GORHAM. Yes, sir. Mr. Rhine and I recognized each other, and he took me over to his house where I met his wife, and later he took me to a meeting of the Communist Party unit in the NRA. Since there were no other Communists, apparently, in the Railroad Retirement Board group, I was attached to the NRA group.

Mr. ARENS. In what capacity were you attached to the NRA group?

Mr. GORHAM. Just as a member.

Mr. ARENS. How many members were in the NRA group?

Mr. GORHAM. There were, I think, 4 or 5 people in the group at the time, and then later at least 1 other was recruited.

Mr. ARENS. Kindly identify these 4 or 5, or as many of them of whom you have a recollection.

Mr. GORHAM. There was Mr. Rhine, his wife, Jessica Buck Rhine. There was a Mr. John Donovan, whom I had known on the Columbia campus as a leading Communist.

Mr. ARENS. Would you give a little better identification of Mr. John Donovan?

Mr. GORHAM. Mr. Donovan was close to 6 feet tall—he could have been over—a rather long and lean, and a little older than the rest of us. Not, I would say, as old as Mr. Elkind. In other words, he was probably around 28.

Mr. ARENS. Where was he employed?

Mr. GORHAM. He was employed by the NRA at that time. He had previously been in the graduate school on the Columbia campus, and active in student activities there. And I had had several differences of opinion with him at that time.

Mr. ARENS. Is there another person whom you could identify as a member of that Communist Party cell?

Mr. GORHAM. When I was brought into the cell, there were 1 or 2 other women besides Miss Buck, or Mrs. Rhine. One of them, to the best of my recollection, was a Miss Marvel Lockhart. I am not positive of that identification, however. Now, subsequent to my joining that unit, a Mr. Arthur Stein was brought into the unit.

Mr. ARENS. Could you identify him?

Mr. GORHAM. Yes; he is present here in the hearing room this morning, and he is close to my height and somewhat heavy-set.

Mr. ARENS. In what capacity was Mr. Stein employed?

Mr. GORHAM. He was in NRA at the time, I believe, as a statistician or mathematician in some capacity.

Mr. ARENS. In what capacity did he serve within the cell?

Mr. GORHAM. Well, originally, he was a member, just a member like myself. Later, apparently he may have gained—that chronologically belongs later.

Mr. ARENS. Would you kindly tell us what function or activity was engaged in by this NRA cell of the Communist Party, of which you were a member?

Mr. GORHAM. The main problem at the time was this: I joined at a time when we were coming close to the Supreme Court decisions on the Railroad Retirement Board, on the Agricultural Adjustment Act, and on the NRA itself. One of the main problems outside of regular union activities and how we could get the other unions in the A. F. of L. to a degree to institute grievance procedures was, what could be done to see that the employees, who were displaced if any of these agencies went out of existence, were transferred elsewhere in the Government. My own agency was dissolved, and subsequently the NRA was declared unconstitutional, and I do not know whether this group made the decision, but at some time in 1935, a decision was made after unsuccessful attempts to get the regular District of Columbia top organization of the A. F. of L. Government union to take responsibility, a decision was made to set up a committee on Government personnel transfer. I think it was called the Inter-Lodge Committee on Government Personnel Transfer, to see what could be done to get agreements with the Civil Service Commission and action from the President to get employees shifted from the agencies going out of existence to new agencies which were being set up.

Mr. ARENS. Did you pay dues in the course of your membership in this cell of the Communist Party?

Mr. GORHAM. Yes, I did.

Mr. ARENS. What were the dues? Do you have a recollection?

Mr. GORHAM. I do not recall; it was based on an income-tax principle, a fairly steeply graduated income principle.

Mr. ARENS. Were any Communist Party cards issued?

Mr. GORHAM. I have never held a party card, sir.

Mr. ARENS. You were an undercover member of the Communist Party; is that correct?

Mr. GORHAM. No one in Washington held a card, to my knowledge. Cards may have existed in our names, but no one in Washington held a card.

Mr. ARENS. To your knowledge was there any record entry made of your membership, any documentation of your membership?

Mr. GORHAM. Not to my knowledge. Now, obviously some one in the group who collected dues had to have some method of keeping records. It seems to me that that was on a numerical basis or some code system of some kind.

Mr. ARENS. Did you have a party name other than your own name?

Mr. GORHAM. I was never known by any name other than my own. When I joined the Communist Party I was asked not to join in my own name by the party, and I have forgotten the exact name I chose. I think that I kept my own first name and I may have used the last name of Robinson or Robeson or something of that sort. I am not sure of the last name, but I never used it.

Mr. ARENS. Will you kindly proceed to the next unit of the Communist Party with which you were identified? Please give us, first, the dates and the agency, and then we will get into a description of the membership and activity of the unit.

Mr. GORHAM. In 1935, as I mentioned, I went to work for the Works Progress Administration, and almost immediately after that I was brought into the Works Progress Administration unit. That was the unit of the Communist Party which was already in existence. I was brought into that by either Miss Edna Richter or Mr. Irving Richter, whom I knew because I had rented a room in their apartment at one time.

Mr. ARENS. Would you hesitate there a moment, and give us more of a description of Mr. Irving Richter and Edna Richter? Were they husband and wife?

Mr. GORHAM. They were brother and sister. There was a third brother named Albert Richter, but he was not in the WPA setup as far as I know. Edna Richter was a woman about the size of Miss Best, and very much like her in physical appearance, and wore her hair long.

Mr. ARENS. Where was she employed?

Mr. GORHAM. She was employed in WPA, and I think she was either president or an officer in the WPA union. I think she was president of it at the time. At one time Mr. Richter may have been president, but I think Edna was for a while. Irving Richter was more blond than his sister and considerably taller, probably around my height.

Mr. ARENS. Where was he employed?

Mr. GORHAM. Also at WPA.

Mr. ARENS. Before we proceed further, do you have any information, or have you reached any conclusion in your own mind on the basis of the assembly of facts as to whether or not your transfer from the NRA over to the next unit of the Communist Party was instigated or caused in any way by a Communist or a person under Communist direction?

Mr. GORHAM. I can only give you my conclusion. I assumed that Mr. Donovan, who was leader of the NRA group discussed it with Miss Richter, who was leader of the WPA group, and it was agreed that I should be transferred and she should tell me so, which she did.

Mr. ARENS. Kindly identify each person who, to your certain knowledge, was a Communist within the unit which you are now discussing.

Mr. GORHAM. There was some change in membership during the time, but the only people I can recall in addition to the two Richters were a Mr. Sidney Katz and—

Mr. ARENS. Would you further identify Mr. Katz please?

Mr. GORHAM. I think—or I am trying to give people in reference to myself, since my recollection cannot be too accurate that far back, but my impression is that Mr. Katz was probably slightly taller than me, and I may be in error there, but I think he was a bit on the pudgy side at that time.

Mr. ARENS. Where was he employed?

Mr. GORHAM. He was—all of these people were employed in WPA.

Mr. ARENS. In what capacity was he employed?

Mr. GORHAM. That I do not know.

Mr. ARENS. Did he have another name?

Mr. GORHAM. Not to me, at any rate.

Mr. ARENS. Is there another person, who was a member of that Communist unit in the WPA?

Mr. GORHAM. There was a Mr. Bernard Greenberg, and a Miss Rebecca Pfefferman.

Mr. ARENS. Give us just a word of identification of each of those persons, please.

Mr. GORHAM. I don't remember Greenberg very well. He was rather open-faced, reasonably cheerful sort of person, and I think that probably he was about the same height as Katz and myself, possibly a little heavier than Katz.

Mr. ARENS. Do you know what particular function he performed in the WPA?

Mr. GORHAM. No, I don't recall the functions of any of these people, sir.

Mr. ARENS. Give us a word, please about Rebecca Pfefferman.

Mr. GORHAM. That is to the best of my recollection. She was a nervous woman and spoke with an accent and I don't know whether she was Austrian or Hungarian, but one or the other extraction, and an extremely volatile disposition. Also, she was dark complexioned.

Mr. ARENS. Give us a description of Marcel Kistin, if you please.

Mr. GORHAM. I haven't mentioned Mr. Kistin yet, but I will do so. Mr. Kistin was the additional person in the group whom I remember. Mr. Kistin was a man I guess you would call somewhat romantic in appearance, he had curly hair and he was fairly tall, as I recall, or reasonably tall, and dressed quite well.

Mr. ARENS. Is there another person whom you can identify as a Communist in the WPA unit?

Mr. GORHAM. No, I can't recall others at that time. I know that there were others there. I recall there were others in the group but I don't recall their names. There was at least 1 other woman, and possibly 2, and there may have been another man.

Mr. ARENS. Did the Communist Party try to develop a security system whereby the member of one unit would be precluded from knowing the existence of another unit or the membership in the other unit?

Mr. GORHAM. That was the purpose of the setup as explained to us by Mr. Blumberg and Miss Nelson back in 1934 when they visited us, that in order to avoid or limit the number of people that would be known to persons who land in my present chair—

Mr. MOULDER. In identifying the persons whose names you have mentioned, can you tell us where they came from or do you have any information as to where and what they are doing at the present time? Can you give us some information as to what they were doing when you last knew them?

Mr. GORHAM. I don't know what happened to the Richters, or Mr. Greenberg or Miss Pfefferman, or Mr. Kistin. I haven't seen them. Mr. Donovan and Mr. Stein, I mentioned I saw a minute ago in the hearing room here, and the New York group I do not recall at all what happened to any of them who were in the New York group. I think that I would not be able to tell you anything about the present whereabouts of any of these people, sir.

Mr. ARENS. Mr. Gorham, could you stand up and point out to this committee by physical appearance in this room, the person whom you have identified as Mr. Stein?

Mr. GORHAM. This is Mr. Stein here.

Mr. ARENS. Is Mr. Stein the gentleman seated second from the aisle in the front row to the right of the committee?

Mr. GORHAM. In the brown suit, smoking a cigarette, yes.

Mr. ARENS. Have you completed your answer to the Congressman's question?

Mr. GORHAM. Yes, to my knowledge.

Mr. ARENS. Can you tell us just in a word the function or activity of this WPA unit, to which you were attached?

Mr. GORHAM. Yes, sir. This unit was similar to all of those which I participated in with the Government, and had as its primary objective more or less what was explained to us before we came to Washington. It was to organize large unions and to get the unions into vigorous activity on the theory that through grievance machinery and grievance activity and through actual conflict and struggle people's political level would be raised. That was the phrase used, and to get them ultimately into outside activities of various kinds, what later became known as front organizations.

Mr. ARENS. Did you within this particular unit have contact with the higher echelon in the Communist Party who gave the directions or were those directions and orders given to some other person in the union?

Mr. GORHAM. The directions were laid down by Miss Richter in rather a dictatorial manner, I might say, sir.

Mr. ARENS. From whom did she receive the instructions?

Mr. GORHAM. She did not indicate.

Mr. ARENS. Would you kindly proceed, now, to give us a brief description of the next entity within the party, with which you were identified, and the period of time in which you were a member.

Mr. GORHAM. I think it would be necessary to take a little time on this one. I can describe a little more about what was going on in this WPA group.

You see, this was the first large group that I participated in, where I was in a union with the other members of the group. About the middle of the period when I was employed, Miss Richter was fired from the Government for inefficient work and general inattention to her job. Now, her case was taken up as a grievance case, and it was a very poor case, and she had spent a great deal of her time on union activities, and there was a rather violent difference of opinion within the unit on whether it should be taken up, and there was an even more violent disagreement within the union on whether it should be taken up. The unit decided to try and persuade the union to take it up, and did so. But after the case was fought and won, some of us, myself included, insisted there had to be more opportunity to get agreement on this kind of action in the future. Before I had joined the Communist Party, I had been assured that the members of the party had some say over the policies which were determined upon. They operated on what they call the principle of democratic centralism, namely that the members could discuss policies up to a point of decision and then after that they had to, all of them, loyally carry them out. It seemed to me that we were getting all centralism and no democracy in this particular unit. So I protested that, and I also felt that our effectiveness was seriously destroyed in the union movement by the fact that we could not discuss with others in the pro-

gressive part of the union common programs and arrive at common policies.

I discussed my difficulties with Miss Richter, and I got no sympathy from her. I later discussed them with Mr. Donovan, whom I explained that I had known for some time. Mr. Donovan appeared originally to be sympathetic with my difficulties, and felt that some of these ideas were sound.

Mr. ARENS. Is that the Mr. John Donovan, whom you have previously identified in this testimony as a Communist?

Mr. GORHAM. Yes, sir. Mr. Donovan persuaded me to put my thoughts in writing, and my recommendations for what really was an introduction of a little more democracy into the organization. After I had done so, I was detached from the work of the unit and I was brought before Mr. Donovan and Mr. Stein and Miss Nelson on trial for the very things that I had put forth in my written statement.

Mr. WILLIS. He had asked you to prepare the statement?

Mr. GORHAM. Yes, and he had pretended sympathy for the views, and then used it as a basis for charges against me.

Mr. WILLIS. In other words, he asked you to write your own indictment.

Mr. GORHAM. Yes. Now, the construction put on it was that I wanted the groups to meet among themselves and to have more freedom of meetings between themselves, in order to undermine the leadership of the party organization in Washington, that one of the recommendations I had made was that they did not insist on picking every candidate for union office, which they insisted on doing. I felt it would not hurt to let a few people be chosen at random, and see what happened. That it was supposed to be my intent to substitute my own leadership for that of the party and get my own group going, and so on, and that I was really working against the interests of the Communist Party, and for that reason Mr. Stein and Miss Nelson and Mr. Donovan decided I should be suspended from party activity, which I was for a period of some months. Possibly it was a year.

Mr. ARENS. I respectfully suggest that we have arrived at a point here where it would be perfectly consistent without breaking the continuity of Mr. Gorham's testimony, if the Chair would like to have a recess.

The CHAIRMAN. The committee will stand in recess for 5 minutes.

(A short recess was taken.)

The CHAIRMAN. The committee will be in order. Proceed, Mr. Arens.

Mr. ARENS. Mr. Gorham, before the recess a few moments ago, you had just concluded describing to the committee the circumstances surrounding your suspension from the Communist Party. How long was that suspension in effect?

Mr. GORHAM. I am not sure about the exact period. It was not more than a year, and it may have been only a few months, I don't recall.

Mr. ARENS. Can you tell us the facts and circumstances surrounding your reinstatement?

Mr. GORHAM. Yes, sir, I continued to engage in union activities and this committee on Government transfer became quite active, and I was one of the active leaders in that, in spite of not having the bless-

ing of the Communist Party at the time, and I think what happened was that they decided they needed to control me, so about—it was some time in 1936, I guess—Mr. Fuchs, who was employed like myself, by the Wheeler committee, identified himself to me as a Communist and indicated that he was to be my liaison and direct my work and advise me on my work in the union movement.

Now, subsequent to that, some months later, a Mr. Samuel Koenigsberg—another employee of the Senate committee whom I believe had just been recruited into the party by Mr. Fuchs, and I am not sure of the exact date of his joining—myself, with Mr. Fuchs, were set up as a formal unit.

Mr. ARENS. Within the Wheeler committee?

Mr. GORHAM. Well, in the Interstate Commerce Commission, because the unit included either initially or immediately subsequent to its formation two other people, a Mr. Ellis Olim and, I think the other person was a Miss Sylvia Soloff.

Mr. ARENS. If you will pardon an interruption, before we get into the Wheeler committee, I would like to ask you a couple of questions to pick up some loose ends. While you were with the Railroad Retirement Board, did you ever have any contact or information respecting the Nathan Gregory Silvermaster group, which has been previously testified about before this committee?

Mr. GORHAM. No. The Railroad Retirement Board consisted of five Board members and their secretaries and two attorneys, and, I guess, a file clerk and myself, at the time.

Mr. ARENS. Was the Nathan Gregory Silvermaster group subsequent to your service?

Mr. GORHAM. It must have been, but I have no knowledge of it one way or the other except what I have read in the paper.

Mr. ARENS. Did you have any acquaintanceship or information respecting George Silverman of the Railroad Retirement Board?

Mr. GORHAM. I met him, because he became, I believe, Director of Research or something like that, for the Retirement Board, and when I was job hunting in 1948, I guess it would be, I went to him to see—or I went to the Railroad Retirement Board and I was referred to him as Director of Research. I may have met him before that, I don't recall.

Mr. ARENS. Did you at any time know him as a Communist?

Mr. GORHAM. No, sir.

Mr. ARENS. You had started to recount your experiences on the Wheeler committee and made reference to a contact which was made by Mr. Fuchs with you. Do you have any information of what precipitated the contact, how did Fuchs know you, and how did he initiate the conversation?

Mr. GORHAM. We worked together fairly constantly, and I think that I may have known his brother at one time, in high school, some years before.

Mr. ARENS. Did you know him as a Communist?

Mr. GORHAM. No; I did not, but then I was not a Communist myself then. I think what may have happened is that we may have had dinner together. It was not unusual to have social contact with people you worked with, and I think probably at some such occasion he indicated that he was a member, and that he was appointed to maintain liaison between myself and the party organization.

Mr. ARENS. When did you first learn that Fuchs was a Communist?

Mr. GORHAM. I think it would have been some time in 1936, I am not sure of the exact date, but that fits in on the time chronology approximately.

Mr. ARENS. Will you kindly give us as full a description as you can in résumé form, of the ICC Communist cell.

Mr. GORHAM. I have indicated who was in it. What did you want to know about it?

Mr. ARENS. What were the activities of the cell?

Mr. GORHAM. The Interstate Commerce Commission local of the American Federation of Government Employees permitted employees of the Senate Wheeler committee who were physically working in the ICC building to become members of that union. I think we all became members. What we attempted to do was to get the union to become interested in the problem of interagency transfer, which we were promoting at that time, and then later when efforts were made to split off a section of the A. F. of L. union and form a CIO union, I was somewhat successful along with the other people in getting the ICC union to go along with it. Unfortunately, or fortunately, we did not take any members with us.

Mr. ARENS. When were you actually transferred to the Wheeler committee?

Mr. GORHAM. You mean as far as my job was concerned?

Mr. ARENS. Yes.

Mr. GORHAM. I went to work there on loan—I guess it would have been October or November or some such time, in 1935. I went on the Wheeler committee payroll probably in 1936 or 1937, and possibly 1937. It was toward the end.

Mr. ARENS. Do you have any information to the effect that your transfer to the Wheeler committee from the ICC was instigated in any way by a Communist or under Communist order or direction?

Mr. GORHAM. I was not in the ICC, sir, I was in WPA. But I do not know, I had asked for a job and I had been indorsed for it by the Chairman of the Railroad Retirement Board, a Mr. Murray Latimer at that time, and the Wheeler committee, like many congressional committees at that time, borrowed as many people as possible from the executive agencies in order to save their own funds and stretch their own funds, and I always assumed that the reason for choosing me rather than someone else was that the WPA was willing to pay my salary while I worked for them.

Mr. ARENS. Do you have any information that Communists participated in any way in the determination of your employment?

Mr. GORHAM. I have no knowledge of that, sir.

Mr. ARENS. Did you discuss the employment with any of the comrades?

Mr. GORHAM. I undoubtedly indicated to them that I hoped to work there, but they were not as far as I know particularly interested in that. As a matter of fact that would probably have occurred during the period of my suspension, in which case I could not very well have discussed it with anyone, unless I discussed it with the NRA group at the time I originally applied.

Mr. ARENS. Kindly give us the name of each person identified with the Wheeler committee who to your certain knowledge was a member of the Communist Party.

Mr. GORHAM. I have just given them, sir, there was Mr. Koenigsberg, Mr. Olim, and Miss Soloff.

Mr. ARENS. Can you give us a word of description about each of them?

Mr. GORHAM. Mr. Fuchs has appeared as a witness here, and I assume it is not necessary to describe him. Mr. Olim was rather aesthetic looking type, slim, as I recall him, and he wore glasses, I think, and my impression of him is taller than I am, and again I use myself as a point of reference.

Miss Soloff was a young woman and I think she was on the plump side, and I believe she was a brunette, and I do not recall, and she could have been blond. I do not remember very much about her. Koenigsberg was red-haired, he was also tall, and also wore glasses, and fairly thin at that time.

Mr. ARENS. Who was the leader of the Wheeler committee group?

Mr. GORHAM. Mr. Fuchs.

Mr. ARENS. Can you tell us, what Communist activity was engaged in by members of this cell within the Wheeler committee?

Mr. GORHAM. Well, the major responsibility, as I explained, was to get the ICC union active and ultimately to move it into the CIO. There was in all of these units a certain amount of indoctrination in Communist policies and philosophy, and efforts were made to insure the Daily Worker and other Communist publications being put in our hands.

I think that the early part of this period would have been before the anti-Fascist movement gained very much headway, before there was much activity on the Spanish committee and things of that sort but at some time during this period I am sure efforts were made to involve the union in defense of Loyalist Spain and things of that sort.

Mr. ARENS. Did the same policy pertain to the Wheeler committee that pertained to your prior associations in the Communist cells, namely that the identity of the individuals within the cells was not to be made public?

Mr. GORHAM. That was a general rule, sir.

Mr. ARENS. Did you acquire information respecting comparable cells in other committees?

Mr. GORHAM. No; I had no such knowledge.

Mr. ARENS. Did you while you were in this cell, or in any of the Communist activities which you have thus far described, participate in any front work of the Communist Party?

Mr. GORHAM. I am not sure as to chronology. Now, at one time or another I participated either personally, or through union organization having affiliated in various peace movements—whatever it was called—Committee for Peace and Freedom, or something like that, and contributed funds to the Loyal Bureau Medical for Loyalist Spain, and I may have attended meetings called by the Spanish committee, and I am sure I did. At one time or another I did. There were demonstrations on behalf of Czechoslovakia when it was taken over by Hitler. I was also a member of the Washington Bookshop, too.

Mr. ARENS. Did the members of the staff of the Wheeler committee who were Communists participate in the preparation of reports for the committee?

Mr. GORHAM. That was part of their official duties. Now, the only people who worked on it were the members of the committee's staff who were also members of the Communist unit, but they did not do such work as members of the Communist unit, to my knowledge.

Mr. ARENS. Within the Communist unit, on the Wheeler committee, did you have discussions and determinations of policy with reference to the activity or the path to be pursued by the Communists who were on the Wheeler committee?

Mr. GORHAM. No, we did not. But that would have been absolutely unnecessary, because Mr. Fuchs was not only leader of the group but he also ranked both Mr. Koenigsberg and myself in the office.

Mr. ARENS. Did you take any instructions?

Mr. GORHAM. It would have been an unnecessary duplication.

Mr. ARENS. Did you take any particular instructions from Mr. Fuchs or to your knowledge did he give any instructions to any employee on the Wheeler committee who was a Communist with reference to his work for the committee?

Mr. GORHAM. Not so far as I know.

Mr. ARENS. Did the members of the staff of the Wheeler committee who were Communists have access to all committee information?

Mr. GORHAM. I would assume so; all members of the staff had access to all the information, as far as I know; nothing was held confidential among the staff.

Mr. ARENS. Was there any confidential information of the Wheeler committee which was available to the staff and not available to the public at large?

Mr. GORHAM. Well, as you know from your own work here, sir, a congressional committee accumulates a large number of documents and other materials in connection with its proposed inquiries. It will select among those, those materials which will best develop the course of the committee's particular inquiry. We gathered hundreds of copies of letters and analyses of bookkeeping statements and so on, and we had file cabinets occupying a bearing room fully as big as this, all down one side. The committee worked for 3 years.

Obviously, no committee attempts to put all of that material in the record, and there were many, many documents that were not put in the record.

Mr. ARENS. Do you have any information respecting the transmission of any information from the Wheeler committee or its files, into the channels of the Communist Party?

Mr. GORHAM. Not so far as I know. I do not know that the work of the committee was of particular interest to the party as a matter of fact, sir.

Mr. ARENS. Were there any other employees of the Wheeler committee who subsequently became identified with the Wheeler committee Communist group after this first period which we have been discussing?

Mr. GORHAM. Yes, there was a Mr. Bernstein.

Mr. ARENS. Kindly give us his full name.

Mr. GORHAM. Alfred Bernstein.

Mr. ARENS. Is that Alfred?

Mr. GORHAM. He was called Al. He was a member of the committee staff, and my recollection was that he was recruited into the Communist Party by Mr. Fuchs. I do not have a very distinct recol-

lection of that, but that is my recollection, and I know that he worked with the Capitol Hill group.

Mr. ARENS. Give us just a word please, about the Capitol Hill group. What is the Capitol Hill group?

Mr. GORHAM. He worked in a local involving employees, mainly custodial employees up on Capitol Hill at the time. Before I left the Wheeler committee, for a brief period of time, there were 3 or 4 people who were members of the Communist Party who met with us, the Wheeler committee group, in the same unit.

Mr. ARENS. Could you identify those people for us?

Mr. GORHAM. I remember that there were 2 men, and 1 or 2 women, and of the men, I only remember the name of one, a Mr. Ogden Kelly, whom I believe was then employed by the Library of Congress.

Mr. ARENS. Could you tell us what was the reason for Mr. Kelly who was employed in the Library of Congress to be in a Communist Party session with you and your colleagues of the Wheeler committee?

Mr. GORHAM. Well, they merged the two groups.

Mr. ARENS. Was there any concerted action between the Library of Congress cell and the Wheeler committee cell?

Mr. GORHAM. No, there was not.

Mr. ARENS. How often did the cell have its meetings?

Mr. GORHAM. I recollect an effort was made to have weekly meetings, sir.

Mr. ARENS. Where were those meetings held?

Mr. GORHAM. At people's homes, my own among others.

Mr. ARENS. Fuchs was the leader of this particular group; is that correct?

Mr. GORHAM. He was.

Mr. ARENS. Was there any other activity engaged in by this unit, that you think would be significant to report to this committee?

Mr. GORHAM. I do not know of any. As I explained, there was some part of meetings spent in the study of Communist economic theory, and political theory, and an attempt to discuss that. It was to understand the current position of the party as expressed in publications or sometimes there would be points of emphasis as when the party started attempting to build the so-called united front, or anti-Fascist front, and it was discussed at some length, and indicated that that would be the major area of concentration and that we should through our personal activity and through new friends we had, union activities, to try to bring more people into this broad anti-Fascist group they were trying to develop.

Mr. ARENS. Do you have any information as to the fact that the members of the Communist cell on the Wheeler committee endeavored to influence the judgment, or opinion, or attitudes of other members of the staff in their staff work?

Mr. GORHAM. Sir, I would say without exception every member of the staff of the Wheeler committee attempted to influence every other member. It was myself included, and I do not think that was restricted to Communist Party membership. I do not feel, to give you a direct answer to your question, that Mr. Fuchs and Mr. Koenigsberg or myself exercised any extraordinary influence over the policies of the committee. I was a \$2,000-a-year clerk at the time.

Mr. ARENS. Do you have information respecting the whereabouts of any of these people on the Wheeler committee whom you have heretofore identified as members of the Communist Party?

Mr. GORHAM. Mr. Fuchs, of course, you know; he has appeared before the committee; and Mr. Olim was identified by the press as employed in Chicago until recently. Mr. Koenigsberg—I do not know—he went to Philadelphia with the SEC, and I do not know just what he is doing now. Mr. Bernstein was employed by the United Federal Workers, and I think he had some private employment, and I do not know what his present activity is, and I do not know what Miss Soloff is presently doing.

Mr. ARENS. How about Mr. Ogden Kelly?

Mr. GORHAM. I had only a brief contact with him, and I do not know what happened to him.

Mr. ARENS. Now, give us again, please, the date on which your services with the Wheeler committee were terminated?

Mr. GORHAM. In either April or May of 1938.

Mr. ARENS. Kindly pick up the thread, then, of the story. You went from the Wheeler committee to where?

Mr. GORHAM. I was employed by the Brotherhood of Railroad Trainmen and as such, I was outside the Government, and I had no part in any Government unit. I had no official or regular Communist Party connection for a period of some months, during which I worked in Chicago, and I did not pay dues during that period, obviously, and when I came back here the only person I had any contact with then during those months who were party members were members of the open party. They were well known as such in Washington. There was a Mrs. Elizabeth Franklin, who was a member, and through her I met a Mr. Martin Chancey, who was then head of the Washington Communist Party, and who, when I returned to the Government, according to my recollection, advised me that a Mr. Mike Naigles, who was also employed by the SEC and who was well known to me from union work, was a Communist and would contact me, and bring me into a Communist unit at the SEC.

Mr. ARENS. Did he do so?

Mr. GORHAM. Yes; he did.

Mr. ARENS. That was in what year?

Mr. GORHAM. That would also probably have been—wait a moment—I went with the SEC in the fall of 1938 and my recollection is there was a feeling that I needed a period of, I think, the word was sterilization, because of my open party associations, and it may very well have been into 1939 before Mr. Naigles put me into a regular group.

Mr. ARENS. Kindly identify each person who to your certain knowledge was a member of the Communist cell with which you were identified in SEC.

Mr. GORHAM. Mr. Koenigsberg, who had been at the Wheeler committee was at the SEC at that time.

Mr. ARENS. What was he doing there?

Mr. GORHAM. He was an attorney, employed by the SEC, on the same monopoly study that I was employed on at that time. There was Mr. Naigles, and there was also—

Mr. ARENS. Would you pardon an interruption; what was Mr. Naigles' duty at the SEC?

Mr. GORHAM. I do not know. I think that he was in the Trading and Exchange Division, but I do not recall what he did. I had little or no office contact with him. I had union contact with him, and he was the man who had got me to go in the Washington Bookshop which was before I had known him to be a party member.

Mr. ARENS. Do you have the name of another person who to your certain knowledge was a member of that Communist cell?

Mr. GORHAM. There was a Mrs. Polly Vibber. There were others whose names I do not recall, and I think there were other women, and there may have been one other man at that time. Now, if I may take a moment to explain, the first group I was in, in SEC, was headed by Mr. Naigles, and then at a later date my recollection is that it was merged with a group from Howard University and still later there was some kind of reorganization in the Communist apparatus in Washington, and I was taken out, or I had no longer any contact with Mr. Naigles and Koenigsberg and others who remained in the same group. I will have to give you people as I remember them and not definitely say at which phase of the period they were in.

Mr. ARENS. Give us those names please, and if you would kindly do so, tell us from what university they came.

Mr. GORHAM. My recollection is that there were two people from Howard University, and a woman, a Negro woman who was a teacher in the Washington public schools.

Mr. ARENS. Give us their names.

Mr. GORHAM. I do not remember her name, or one of the men's name. The other was Mr. Doxey Wilkerson, and I believe he is well known to you. He was, I believe, in that same group that Mr. Naigles was in, and I am not sure. The only other person I recall at that time was Mr. Thomas Cox, who was in the Oil and Gas Unit of the SEC. Then in the later group, after the reconstruction, there was Mr. Koenigsberg, and Mr. Wayne Ball, and his wife whom I had previously known, Miss Marvel Lockhart.

Mr. ARENS. Who was the leader of this last group?

Mr. GORHAM. I believe Mr. Ball was the leader of the group, sir, either Mr. Ball or Mr. Koenigsberg, and I think it was Mr. Ball.

Mr. ARENS. Give us just a word as to the function or activity of this group.

Mr. GORHAM. We are now in the period around 1940 or 1941, and this is a period of considerable change in Communist Party philosophy, and Communist Party line. The chief activity of the group other than some attempt to organize the activity of the members in the union work and I was not an active union member at that time, was devoted to some attempt at explanation of what the party position was.

There was "The Yanks are not coming," and then "The Yanks are not coming too late," and various other slogans of that kind. The chief effort was an attempt to explain just what it was all about, and that was also a period when I personally was in the process of breaking away from the party.

Mr. ARENS. Was there any noticeable influence or impact brought on the work of the Communists who were then engaged in SEC?

Mr. GORHAM. No; I think that I may have discussed during the earlier part of the period, that would be between 1938 and 1939, and 1940, the work I was doing on the monopoly study but outside of Mr.

Koenigsberg nobody had any interest or knowledge of that, and I dealt with him officially. So, my answer would be "No" to your question.

Mr. ARENS. Was your separation from employment in the SEC voluntary or involuntary?

Mr. GORHAM. I transferred to OPA voluntarily; yes, sir.

Mr. ARENS. What caused you to transfer?

Mr. GORHAM. I transferred under the war transfer system, sir, and retained reinstatement rights.

Mr. ARENS. Did you then affiliate again with the Communist Party when you were with OPA?

Mr. GORHAM. I did not, and I broke my connections at that time.

Mr. ARENS. What precipitated your disassociation from the Communist Party?

Mr. GORHAM. I had originally been somewhat disillusioned in the party's pretensions of so-called democratic decentralization, when I was suspended in what I thought was a rather undemocratic way, but about that period the party emerged as a significant leader in the anti-Fascist struggle in the thirties, with a period of united fronts and a period when many people were taking the same position as that being taken by the party. So I continued in the party up to the end of that phase. Now, I found, however, as I think any thinking man must have found, it very hard to understand the gyrations of the Communist Party from 1939 through 1942 unless the party could be regarded as simply a form of front organization for the Russian party, which was in a sense what it really operated as. In other words, it was perfectly obvious in the rather clumsy attempts to change and to rationalize the change in position as the world situation changed, that the American Communist Party did not have a policy of its own. I personally became disappointed and quite disgusted with the explanations given me, and made up my mind to leave when the opportunity came to leave and I did so. I hesitated to make an abrupt break because I was not quite sure what might happen to me if I did. When the Securities and Exchange Commission transferred to Philadelphia, it provided me with an opportunity to make a break by refusing to be picked up again in another Communist group, and with some possibility that the action would not be identified by the party for what it was.

Mr. ARENS. Were you reluctant to have the Communist Party understand that you did not want to affiliate with it?

Mr. GORHAM. You will recall that I had been through one trial of my own on what I felt was contrived evidence, and this is a period when there had been trials in Russia, and I was not afraid for my life, and I do not want to make it sound melodramatic but I thought there was a very real possibility that action might be taken by the party to put information in the hands of people who frankly might make it difficult for me to maintain a job. There might be other retaliatory actions of that kind.

Mr. ARENS. Mr. Gorham, this committee is interested, as are all good Americans, in routing out any Communist activity or Communists or subversion in the Government. Therefore, it has an intense interest in the loyalty program. May I therefore ask if in the course of your employment by the Federal Government and your membership in the Communist Party, did you at any time fill out loyalty forms?

Mr. GORHAM. Yes, I did, sir.

Mr. ARENS. What did you say in the loyalty forms, if you recall, in response to the question as to whether or not you had ever been a member of an organization advocating the forceful overthrow of the Government of the United States?

Mr. GORHAM. I do not believe that question was originally asked. While I was still a member of the party it was not. I do know that on an investigation of people on the so-called Dies list in 1940 when I was still in the party, we were advised not to answer questions.

Mr. ARENS. Who advised you?

Mr. GORHAM. I suppose the leader of the particular unit I was in at the time, and I do not recall.

Mr. ARENS. Was that the Communist Party line to the comrades not to answer with reference to any party affiliations?

Mr. GORHAM. Yes, sir. Now, in loyalty investigations subsequent to my leaving the party, I could correctly state that I was not a party member, and I did not disclose my previous party affiliations.

Mr. ARENS. Were you subjected to an inquiry respecting any previous affiliations with the Communist Party or an organization which would fit the description of the Communist Party?

Mr. GORHAM. Well, the inquiry was directed mainly at my membership in front organizations, sir, and I admitted membership in them, but the direct question to answer it directly, of whether I had been a member, I denied membership, yes.

Mr. ARENS. This would conclude the staff interrogation of the witness, and I respectfully suggest perhaps the chairman or some of the members may have some questions.

Mr. MOULDER. During the past 3 years have you been investigated concerning your past Communist Party affiliations?

Mr. GORHAM. I rather imagine that there has been an investigation, sir, and I do not recall that I have been asked any questions in the last 5 years on that.

Mr. MOULDER. However, insofar as you know personally, none was ever conducted during the past 3 years concerning your Communist Party affiliation or activities?

Mr. GORHAM. No, I would have I believe, say that all employees of the Government were investigated during the last 3 years at one time or another. I assume that I was, along with other people.

The CHAIRMAN. Mr. Gorham, I want to express to you the appreciation not only of this committee but of the American people for your contribution to the security of this Republic. I just a few days ago came back from Australia where I had an opportunity to discuss with some of the Australian security people the manner in which the Communists had infiltrated into the Government of Australia. It was disclosed by the defection of this Russian, Petrov. There were only a few in the Government, and deliberately, because the Communists felt that to have more than a few active members in the Government might arouse suspicion. With the result that in the Department of External Affairs, which is comparable to our State Department, there was only one, but he was obtaining all sorts of information from employees and passing it on to the Soviet Embassy.

The report that came from the Australian Commission disclosed very clearly that without some cooperation from people in the Government, either wittingly or otherwise, the espionage which is being

conducted daily, no, hourly, by the Soviets, cannot succeed. What you have done here today has been to make the people aware of the fact that a Government employee could aid the enemy. I know that it has taken a great deal of courage to do what you have done and I am sure that this committee joins me in stating to you that in our judgment you are a great American.

Mr. GORHAM. Thank you.

The CHAIRMAN. The committee will stand in recess to meet at 1:30 this afternoon.

(Whereupon at 12 o'clock p. m. a recess was taken until 1:30 p. m. the same day.)

AFTERNOON SESSION—TUESDAY, FEBRUARY 14, 1956

(The following members of the committee were present: Representatives Walter (presiding) and Willis.)

The CHAIRMAN. The committee will be in order.

Call your first witness, please.

Mr. ARENS. The first witness, if you please, Mr. Chairman, is Mr. Arthur Stein. Will you kindly come forward, raise your right hand, and be sworn.

The CHAIRMAN. Do you swear the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. STEIN. I do.

TESTIMONY OF ARTHUR STEIN, ACCOMPANIED BY COUNSEL,
VICTOR RABINOWITZ

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. STEIN. My name is Arthur Stein. I live at 131 Westminister Road, Brooklyn, N. Y.

Mr. ARENS. What is your occupation?

Mr. STEIN. I am a construction consultant.

Mr. ARENS. Mr. Stein, are you appearing today before the House Committee on Un-American Activities in response to a subpoena which was served upon you?

Mr. STEIN. Yes.

Mr. ARENS. Are you represented by counsel?

Mr. STEIN. Yes.

Mr. ARENS. Will counsel kindly identify himself.

Mr. RABINOWITZ. Victor Rabinowitz, 25 Broad Street, New York.

Mr. ARENS. Have you been known by any name other than the name Arthur Stein?

Mr. STEIN. No.

Mr. ARENS. Pursuant to which you were subpoenaed before this committee?

Mr. STEIN. No.

Mr. ARENS. Kindly tell us where you were born?

Mr. STEIN. I was born in New York in 1908.

Mr. ARENS. Give us, if you please, sir a brief résumé of your educational background.

Mr. STEIN. I went to the public schools of New York and I am a graduate of Columbia College in 1929.

Mr. ARENS. What degree do you hold from there?

Mr. STEIN. Bachelor of arts.

Mr. ARENS. Kindly give us a brief running account of the employment which you have had since the termination of your formal education.

Mr. STEIN. 1930 was really the end of my educational period. I worked at the Allied Candy Stores Corp. in New York as controller for about a year or a year and a half. I worked at the National Bureau of Economic Research, a privately endowed, nonpartisan research organization, for a year or so.

Mr. ARENS. Where was that located?

Mr. STEIN. In New York.

In 1934 I came to Washington and went to work for the National Recovery Administration, the NRA.

Mr. ARENS. In what capacity?

Mr. STEIN. Statistician.

Mr. ARENS. How long were you engaged in the NRA?

Mr. STEIN. About a year, until it was declared unconstitutional, or shortly thereafter.

Mr. ARENS. Then your next employment, if you please?

Mr. STEIN. Then I worked for the WPA, the Works Progress or Work Projects Administration.

Mr. ARENS. In what capacity and where?

Mr. STEIN. As a statistician and in Washington.

Mr. ARENS. During what period of time?

Mr. STEIN. That would be about 1933 to 1939.

Mr. ARENS. What precipitated the discontinuance of your services there?

Mr. STEIN. I left voluntarily to work for the Federal Works Agency. Some of the functions of the WPA were taken over by the Federal Works Agency.

Mr. ARENS. How long were you with the Federal Works Agency?

Mr. STEIN. About a year.

Mr. ARENS. In what capacity?

Mr. STEIN. Statistician.

Mr. ARENS. What was your next employment?

Mr. STEIN. With the War Production Board. That was in the year 1941, I guess, during that year, maybe a little longer.

Mr. STEIN. Economist or statistician. The terms were used interchangeably.

Mr. ARENS. What caused the disassociation of yourself from that agency?

Mr. STEIN. I left to become the secretary-treasurer of the United Federal Workers of America, a CIO union, with which I had previously been associated on a voluntary basis.

Mr. ARENS. That was in what year?

Mr. STEIN. I think in the very beginning of 1942.

Mr. ARENS. And your next employment?

Mr. STEIN. I was with the union which later merged with another union and changed its name to United Public Workers of America, until, I think, 1949.

Mr. ARENS. In what city were you located?

Mr. STEIN. In Washington, D. C.

Mr. ARENS. Were you with the United Public Workers until 1949?

Mr. STEIN. I believe so.

Mr. ARENS. Tell us who was the president of that organization.

Mr. STEIN. Abram Flaxer.

Mr. ARENS. In what capacity did you work with the United Public Workers?

Mr. STEIN. I was secretary-treasurer, and acting secretary-treasurer, I think.

Mr. ARENS. Let us move on to your next employment.

Mr. STEIN. The Chesapeake Construction Corp., which was a company engaged in building and managing real estate.

Mr. ARENS. Where was that?

Mr. STEIN. In Washington, D. C.

Mr. ARENS. And for how long?

Mr. STEIN. About a year and a half, I think.

Mr. ARENS. Until about 1951, you would say?

Mr. STEIN. Yes.

Mr. ARENS. Will you kindly continue with your next employment?

Mr. STEIN. Then I worked for a group of corporations. I don't remember all the names, but a group of people associated together under several names. One of them was Telegraph Hills, Inc., Dana Hills, Inc., 3 or 4, maybe 5 corporations, but I was the general manager of construction for this group.

Mr. ARENS. What did they construct?

Mr. STEIN. Private homes.

Mr. ARENS. Where?

Mr. STEIN. In the Washington area, in and around this city.

Mr. ARENS. Who was your immediate superior in that?

Mr. STEIN. I was the general manager of the outfit.

Mr. ARENS. To whom did you report?

Mr. STEIN. It was a group of investors. Mr. S. J. Rodman was an investor. I was a partial investor. And a man named Blumberg was an investor.

Mr. ARENS. Were Federal funds in any way involved in that construction project?

Mr. STEIN. No.

Mr. ARENS. Federal loans?

Mr. STEIN. No. Loans were made to the buyers of the homes, but we had nothing to do with that.

Mr. ARENS. What was your next occupation?

Mr. STEIN. Then I left Washington and moved to New York City.

Mr. ARENS. In what year?

Mr. STEIN. 1953. Since then I have been self-employed.

Mr. ARENS. Just a word about that self-employment.

Mr. STEIN. I advise or work for people who are interested in certain types of construction activity in New York, rebuilding and remodeling homes.

Mr. ARENS. Before we proceed, I want to return for a moment to the United Public Workers of America. While you were secretary-treasurer of the United Public Workers, did you have access to its membership records?

Mr. STEIN. Yes.

Mr. ARENS. Who was your successor as secretary-treasurer?

Mr. STEIN. I believe a Mr. Guinier.

Mr. ARENS. Do you know where he is now?

Mr. STEIN. No; I believe in New York City.

Mr. ARENS. Was Abram Flaxer the president?

Mr. STEIN. Yes.

Mr. ARENS. Do you know where he is now?

Mr. STEIN. In New York City.

Mr. ARENS. What was the total membership of the United Public Workers while you were secretary-treasurer?

Mr. STEIN. Probably about 100,000.

Mr. ARENS. Where were the members of the United Public Workers employed?

Mr. STEIN. There were some employees in the Federal Government. The majority were employees of State and local governments.

Mr. ARENS. How many were employed in the Federal Government?

Mr. STEIN. I would say about 25,000 at the maximum.

Mr. ARENS. Who is the person who first assisted you in the procurement of employment in the Federal Government?

Mr. STEIN. Nobody. I got a letter from someone in the NRA asking if I would be interested in working there, someone I never heard of.

Mr. ARENS. Do you have a recollection as to who that person was?

Mr. STEIN. No. It was some kind of official letter. I think it was because I was with the National Bureau of Economic Research. They may have written to others at that place, too.

Mr. ARENS. While you were employed in the NRA, did you have occasion to make the acquaintanceship of a man by the name of James E. Gorham?

Mr. STEIN. I won't answer that question, Mr. Chairman.

Mr. ARENS. Mr. Chairman, I respectfully request the witness be directed to answer.

The CHAIRMAN. I direct you to answer the question.

(The witness conferred with his counsel.)

Mr. STEIN. Mr. Chairman, I am not willing to answer the question, and I am relying on the fifth amendment to the Constitution.

The CHAIRMAN. You say you are not willing. By that do you mean, "I refuse to answer the question"?

Mr. STEIN. I refuse to answer the question.

Mr. ARENS. Mr. Stein, do you feel if you told this committee a truthful answer with reference to any alleged acquaintanceship with James E. Gorham that you would be supplying information which could be used against you in a criminal proceeding?

Mr. STEIN. I am relying on the fifth amendment which, as I recall it, states that no person may be compelled to testify against himself in any criminal proceeding.

The CHAIRMAN. This is not a criminal proceeding.

Mr. STEIN. It may lead to a criminal proceeding.

Mr. ARENS. Mr. Chairman, the courts have repeatedly said that the status of a man's mind is as much a fact as the status of his indigestion. Therefore, I propose to request again that this witness announce to the committee whether or not it is his honest judgment that if he gave a truthful answer to the question pertaining to any alleged acquaintanceship which he may have had with James E. Gorham, he feels

that answer would supply information which could be used against him in a criminal proceeding.

(The witness conferred with his counsel.)

The CHAIRMAN. I direct you to answer.

Mr. STEIN. If I answered the question, I feel it might be used against me in a criminal proceeding.

The CHAIRMAN. Therefore you refuse to answer?

Mr. STEIN. Yes, sir.

Mr. ARENS. Mr. Stein, this morning Mr. Gorham stood up here after he had been sworn to tell the truth before a congressional committee, and identified you as a person who, to his certain knowledge, had been a member of the Communist Party. Was he lying or was he telling the truth?

Mr. STEIN. I refuse to answer that question on the grounds previously given.

Mr. ARENS. Mr. Stein, have you ever known a man by the name of Herbert Fuchs?

Mr. STEIN. I refuse to answer that question on the same grounds.

Mr. ARENS. Do you feel if you told this committee whether or not you knew Mr. Fuchs you would be supplying information which could be used against you in a criminal proceeding?

Mr. STEIN. The same answer as I gave before.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. STEIN. I refuse to answer that question on the same grounds.

Mr. ARENS. Have you ever been a member of the Communist Party?

Mr. STEIN. I refuse to answer that question on the same grounds.

Mr. ARENS. Are you now a member of an organization dedicated to the overthrow of the Government of the United States by force and violence?

Mr. STEIN. The same answer, Mr. Chairman.

The CHAIRMAN. For the same reason?

Mr. STEIN. The same reason.

Mr. ARENS. Have you ever committed espionage against the United States Government?

Mr. STEIN. No.

Mr. ARENS. During the course of your employment in the NRA did you know an individual by the name of Henry Rhine?

(The witness conferred with his counsel.)

Mr. STEIN. Yes.

Mr. WILLIS. What was the name of that individual?

Mr. ARENS. R-h-i-n-e, sir.

What was the nature of your acquaintanceship with Henry Rhine?

Mr. STEIN. We were both active in the union of Government employees, the American Federation of Government Employees.

Mr. ARENS. Did you have any acquaintanceship or activity with Henry Rhine other than the American Federation of Government Employees?

Mr. STEIN. We knew each other personally.

Mr. ARENS. Did you belong to any organization, entity or group in which Henry Rhine was an active participant?

Mr. STEIN. We belonged to the union together.

Mr. ARENS. Do you know whether or not Henry Rhine was a member of the Communist Party?

Mr. STEIN. I refuse to answer that question on the grounds previously given.

Mr. ARENS. Did you know a man by the name of John Donovan?

Mr. STEIN. I refuse to answer that question on the same grounds.

Mr. ARENS. Do you feel if you told this committee whether or not you knew a man by the name of John Donovan that that information could be used against you in a criminal proceeding?

Mr. STEIN. The same answer as before.

Mr. ARENS. Do you know, or do you feel that that information could be used against you in a criminal proceeding?

Mr. STEIN. Yes.

Mr. ARENS. Do you know a person by the name of Jessica Buck Rhine?

Mr. STEIN. Yes.

Mr. ARENS. Please identify that person.

Mr. STEIN. She was the wife of Henry Rhine.

Mr. ARENS. Do you know whether or not she is or was a member of the Communist conspiracy?

Mr. STEIN. I refuse to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Did you ever belong to an organization of which Jessica Buck Rhine was a member?

Mr. STEIN. American Federation of Government Employees.

Mr. ARENS. Is that the only organization in which you and she had a coordinated interest?

Mr. STEIN. I refuse to answer that question on the same grounds.

Mr. ARENS. Tell us the names of all organizations you can recall of which you were a member or active participant while you were employed by the United States Government in the National Recovery Administration.

Mr. STEIN. I refuse to answer that question on the same grounds.

Mr. ARENS. Are there any organizations of which you were a member or active participant while you were employed by the United States Government in NRA concerning which you can tell this committee without furnishing information that you feel could be used against you in a criminal prosecution?

Mr. STEIN. A member of the American Federation of Government Employees.

Mr. ARENS. While you were employed by the Federal Government, were there any other organizations of which you were a member that you can disclose without furnishing information which could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. STEIN. I refuse to answer that question on the same grounds.

Mr. WILLIS. Mr. Chairman, I think he should be ordered to answer that question the way it was couched.

The CHAIRMAN. I think the record is clear the way it stands.

Mr. ARENS. During the tenure of your service with NRA, were you connected with the American League for Peace and Democracy?

(The witness conferred with his counsel.)

Mr. STEIN. I refuse to answer the question.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that you were an active participant in the American League for Peace and Democracy?

Mr. STEIN. The same answer, Mr. Chairman.

Mr. ARENS. During the tenure of your service with NRA, were you a member or affiliated with the United Federal Workers of America?

Mr. STEIN. There was no such organization existing at that time.

Mr. ARENS. That came along later?

Mr. STEIN. Yes.

Mr. ARENS. Were you subsequently affiliated with the United Federal Workers of America?

Mr. STEIN. Yes.

Mr. ARENS. In what capacity?

Mr. STEIN. As secretary-treasurer.

Mr. ARENS. Is that the organization which merged to form the United Public Workers under the leadership of Abram Flaxer?

Mr. STEIN. Yes, sir.

Mr. ARENS. If you please, sir, move to your next employment and activities which, for the present purpose we will describe as extra-curricular, in addition to regular duties within the Government which you have described. The next activity which you have heretofore described under oath is your employment with the WPA. That is correct, is it not? During the course of your employment in the WPA did you have any contact or association with Edna Richter?

Mr. STEIN. Yes.

Mr. ARENS. Who is Edna Richter?

Mr. STEIN. At that time she was a young lady who was an active member of the American Federation of Government Employees Union in the WPA.

Mr. ARENS. Do you know of any other organization or entity in which she was active?

(The witness conferred with his counsel.)

Mr. STEIN. I refuse to answer that question on the same grounds previously stated.

Mr. ARENS. Do you feel if you told this committee truthfully of any other activity to your certain knowledge in which Edna Richter was engaged you would be supplying information which could be used against you in a criminal proceeding?

Mr. STEIN. Mr. Chairman, I feel if I gave this information I would be giving information which might be used against me in a criminal proceeding.

Mr. ARENS. Did you know during the course of your employment or activity in WPA, a person by the name of Sidney Katz?

Mr. STEIN. Yes.

Mr. ARENS. Please identify Sidney Katz.

Mr. STEIN. He was also active in that same union at about the same time, I believe.

Mr. ARENS. Do you have information respecting any organization in which you and Sidney Katz had a mutual interest or activity other than your Government service?

Mr. STEIN. I refuse to answer that question on the same grounds.

Mr. ARENS. Do you feel that you would be supplying information which could be used against you in a criminal proceeding?

Mr. STEIN. Yes, sir.

Mr. ARENS. Did you know during the course of your WPA service in the Federal Government a person by the name of Bernard Greenberg?

Mr. STEIN. Yes.

Mr. ARENS. Please identify Bernard Greenberg.

Mr. STEIN. He is another member of that same union in the WPA.

Mr. ARENS. Was he active in any organization, entity, or group in the extracurricular field in which you were likewise identified?

Mr. STEIN. I refuse to answer that question on the same grounds.

I will refuse to answer similar questions in connection with similar matters on the same grounds.

Mr. ARENS. Did you know a person by the name of Marcel Kistin during your WPA service?

Mr. STEIN. Yes. He was a member of the union, too.

Mr. ARENS. Is that person in the same general category with reference to any extracurricular activities, namely, that you cannot tell us about because you might be giving information which could be used against you in a criminal proceeding?

Mr. STEIN. I refuse to answer the question.

Mr. ARENS. Did you know a person by the name of Irving Richter?

Mr. STEIN. Yes.

Mr. ARENS. Please identify him.

Mr. STEIN. He was also a member of that union at that time, I believe.

Mr. ARENS. Do you know whether or not he was in that extracurricular category?

Mr. STEIN. I refuse to answer that question on the same grounds.

Mr. ARENS. May we move on, if you please, sir, to your next employment or activity, namely, in the Federal Works Agency. Is that not correct?

Mr. STEIN. Yes.

Mr. ARENS. Are there persons who were active with you in FWA who likewise were in this extracurricular category which we have been describing?

(The witness conferred with his counsel.)

Mr. STEIN. That is a general question. I prefer to be asked a more specific question.

Mr. ARENS. Tell us then if you please, sir, if there were any persons while you were employed in FWA who, likewise were employed in FWA, who were members of an organization concerning which you cannot tell this committee without disclosing information which could be used against you in a criminal proceeding?

Mr. STEIN. I invoke the fifth amendment.

Mr. ARENS. In other words, is it true that if you told this committee the truth respecting associations and memberships which you had with other people in an organization while you were an employee of the Federal Government—in the FWA—you would be disclosing information which could be used against you in a criminal proceeding? Is that correct?

Mr. STEIN. The same answer as previously given.

Mr. ARENS. Your Federal service record, Mr. Stein, reveals that on March 3, 1941, there was a termination of your position as a project analyst at the Federal Works Agency, and that on March 4, 1941, you were appointed a statistician, grade P-4 (probational appointment)

with the Federal Works Agency, in the Office of the Administrator. Is that correct?

Mr. STEIN. I am willing to believe it is correct. I don't have that exact information.

Mr. ARENS. Who was responsible for your appointment to this position?

Mr. STEIN. I don't understand the question. I went over there and asked for a job and got one. I can tell you who I worked for.

Mr. ARENS. Whom did you see to get the job?

Mr. STEIN. I must have seen the men who hired me, who were my supervisors.

Mr. ARENS. Did you see a man by the name of Irving Kaplan?

Mr. STEIN. To get a job at the Federal Works Agency?

Mr. ARENS. Yes.

Mr. STEIN. I refuse to answer that question, Mr. Chairman, on the same grounds as previously given.

The CHAIRMAN. Just a minute. I direct you to answer that question.

Mr. STEIN. I refuse to answer that question, Mr. Chairman.

Mr. ARENS. The fact is that Irving Kaplan was instrumental in your employment in FWA; was he not?

Mr. STEIN. Fifth amendment.

Mr. ARENS. Do you feel if you told this committee the truth respecting any activities of Irving Kaplan toward the procurement of employment for you in the FWA, you would be giving information which could be used against you in a criminal proceeding?

Mr. STEIN. I give the same answer as I have previously given to the same question.

Mr. ARENS. I think the record is abundantly replete with instances, Mr. Chairman, of identification of Irving Kaplan as a member of the Communist underground movement in the United States Government. I only make that reference so the committee will bear in mind who Irving Kaplan was.

Mr. Stein, I lay before you a photostatic copy of an interoffice memorandum dated January 29, 1941, on the letterhead of the Federal Works Agency, Washington, in which there is an allusion to Mr. Irving Kaplan, and ask you if you have ever seen that memorandum before.

Mr. STEIN. I never saw it.

(The following members of the committee were present: Representatives Walter, Doyle, Frazier, and Willis.)

Mr. ARENS. Mr. Chairman, I should like to read the contents of this interoffice memorandum which came to the committee in due course of its activities and has been in the custody of the committee for some period of time. It is an interoffice memorandum dated January 29, 1941, to Mr. C. Osthagen from Foster Adams, and the subject is Arthur Stein. The body of the memorandum is as follows:

Arthur Stein was in this morning talking with me and with Mrs. Craig. After some discussion he decided to fill out the form furnished him by Mrs. Craig and to bring it in and talk with you about certain problems he feels he has in connection with civil service.

Irving Kaplan has a very natural interest in seeing a successful solution to these problems and I shall appreciate your talking with him and with me as soon as possible after you have talked with Arthur Stein.

Mr. Stein, do you have a recollection of certain problems which were to be the subject of these conversations alluded to in this inter-office memorandum?

Mr. STEIN. I am sorry, I have no recollection of any such event.

Mr. ARENS. Do you have a recollection of conversations with Irving Kaplan respecting prospective employment by you in the FWA?

Mr. STEIN. I refuse to answer the question on the grounds previously given.

Mr. ARENS. In your employment in WPB, the War Production Board, did you there have any acquaintanceships in an organization or unit or entity concerning which you cannot tell this committee without disclosing facts which could be used against you in a criminal proceeding?

Mr. STEIN. I refuse to answer that question on the same grounds previously given.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that while at the War Production Board you were an active member of a Communist Party cell.

Mr. STEIN. I refuse to answer that on the same grounds.

Mr. ARENS. While you were an employee of the Federal Government in the War Production Board, were you a member of an organization dedicated to the overthrow of the Constitution of the United States?

Mr. STEIN. I refuse to answer on the same grounds.

Mr. ARENS. On March 4, 1941, Mr. Stein, while you were with the Federal Works Agency, you were given a probational appointment as a statistician; is that correct?

Mr. STEIN. If that is the information you have, I assume it to be correct.

Mr. ARENS. Who was responsible for your appointment as a statistician in this probational-appointment status?

Mr. STEIN. Which agency is that?

Mr. ARENS. FWA.

Mr. STEIN. I was under the impression and stated that I thought I had been at the Federal Works Agency in 1940. I may be incorrect in my recollection of that, and your records I have no reason to doubt are more accurate.

Mr. ARENS. Irrespective of the date, who was responsible for your appointment?

Mr. STEIN. To the Federal Works Agency?

Mr. ARENS. Yes, sir.

Mr. STEIN. I don't know. I applied for a job and got it.

Mr. ARENS. To whom did you apply?

(The witness conferred with his counsel.)

Mr. STEIN. I don't remember.

Mr. ARENS. During this period were you acquainted with Edward J. Fitzgerald?

Mr. STEIN. I refuse to answer that question on the same grounds.

Mr. ARENS. Do you feel if you told this committee the facts with respect to any activity or acquaintanceship which you had with Edward J. Fitzgerald you would be furnishing information which could be used against you in a criminal proceeding?

Mr. STEIN. If I answered that question I believe that that information could be used against me in a criminal proceeding.

Mr. ARENS. Do you now know that Edward J. Fitzgerald has been publicly identified before this committee as a member of a Communist underground cell in Washington?

Mr. STEIN. I refuse to answer the question, Mr. Chairman.

Mr. ARENS. Mr. Chairman, I respectfully suggest that he be ordered and directed to answer that question.

The CHAIRMAN. I direct you to answer that question.

Mr. STEIN. I refuse to answer the question.

Mr. ARENS. I lay before you, Mr. Stein, a photostatic copy of an interoffice memorandum which came to the House Committee on Un-American Activities in regular course of its investigations dated November 21, 1941, with respect to certain matters, and ask if you have ever seen this interoffice memorandum before?

Mr. STEIN. No; I have never seen it.

Mr. ARENS. The interoffice memorandum obviously from its contents pertains to certain information being available regarding Fitzgerald and Arthur Stein; does it not?

Mr. STEIN. It says what it says.

Mr. ARENS. Can you explain to this committee the content of this memorandum linking you and Edward J. Fitzgerald as probational appointees?

Mr. STEIN. I can't explain anything about that memorandum. I have never seen it before and I don't know anything about it.

Mr. ARENS. Was the other person whose name appears on this memorandum a coemployee of yours while you were with the FWA?

Mr. STEIN. I refuse to answer any questions about him, on the same grounds.

The CHAIRMAN. By "him" do you mean Fitzgerald?

Mr. STEIN. Yes.

Mr. ARENS. Your next employment was with the United Federal Workers of America. Is that correct?

Mr. STEIN. Yes; United Federal Workers of America, first.

Mr. ARENS. And subsequently the United Public Workers of America. You have already told this committee in the course of your testimony that Mr. Abram Flaxer was head of the United Public Workers of America. Is that correct?

Mr. STEIN. Correct.

Mr. ARENS. Was he your immediate superior?

Mr. STEIN. In a sense, since he was president of the union. We were each elected independently.

Mr. ARENS. You reported to him, however, did you not?

Mr. STEIN. In a manner of speaking, yes.

Mr. ARENS. Do you know where the records are at the present time of the United Public Workers?

Mr. STEIN. I have no idea whether they exist or where they are.

Mr. ARENS. Did the United Public Workers of America have shop stewards or supervisors in those Federal agencies in which there were members?

Mr. STEIN. Did they have shop stewards? Yes, in some cases.

Mr. ARENS. Who designated those shop stewards?

Mr. STEIN. The members of the union elected them.

Mr. ARENS. Were they responsible to Flaxer?

Mr. STEIN. No.

Mr. ARENS. What supervision did Flaxer have over the shop stewards?

Mr. STEIN. No direct supervision. The shop stewards are part of a local union and reported to the officers of that local union.

Mr. ARENS. What was the income of the United Public Workers of America from dues?

Mr. STEIN. I would guess in the neighborhood of \$40,000 a year.

Mr. ARENS. Was Abram Flaxer a member of the Communist Party?

Mr. STEIN. I refuse to answer that question.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that Abram Flaxer was a member of the Communist Party while he was president of the United Public Workers of America.

Mr. STEIN. I have already refused to answer the question on the same grounds.

Mr. ARENS. Ewart G. Guinier, who was your successor as secretary-treasurer, was a member of the Communist Party, was he not?

Mr. STEIN. I refuse to answer the question on the same grounds.

Mr. ARENS. Was there any activity which you were engaged in with Flaxer and with Guinier while you were secretary-treasurer of the United Public Workers of America concerning which you cannot tell this committee for fear that it could be used against you in a criminal proceeding?

Mr. STEIN. The same answer, on the same grounds.

Mr. ARENS. In what agencies of the Federal Government did the United Public Workers of America have members?

Mr. STEIN. A great many agencies, almost in every one, I suppose.

Mr. ARENS. What were the principal agencies in which they had their greatest strength?

Mr. STEIN. It is hard to say. It was distributed all over the Government and throughout the country. It is difficult to answer that question.

Mr. ARENS. Did they have strength in the Labor Department?

Mr. STEIN. Yes.

Mr. ARENS. What was the total membership in the Labor Department?

Mr. STEIN. I can't recall.

Mr. ARENS. What was the total membership in the Federal Government?

Mr. STEIN. A peak of about 25,000.

Mr. ARENS. Where were the other members?

Mr. STEIN. State and local governments throughout the country.

Mr. ARENS. Was the United Public Workers of America interlocked in any respect with any other organization, entity, or group?

Mr. STEIN. The CIO. It was a member of the CIO.

Mr. ARENS. Was the United Public Workers of America affiliated with any other organization besides the CIO?

Mr. STEIN. Not to my recollection.

Mr. ARENS. Did the leadership of the United Public Workers of America have an allegiance, connection, or responsibility to any organization other than the CIO?

Mr. STEIN. I refuse to answer on the same grounds.

Mr. ARENS. In other words, if you told this committee of the Congress of the United States whether or not the leadership of this union

with 25,000 members in the Federal Government had an allegiance or responsibility to some organization you can't tell us about, that would furnish information which could be used against you in a criminal prosecution; is that correct?

Mr. STEIN. The same answer.

Mr. ARENS. Is that correct?

Mr. STEIN. That is correct.

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact that the United Public Workers of America was controlled lock, stock, and barrel by the Communist Party.

Mr. STEIN. I refuse to answer.

Mr. ARENS. Now your next activity or employment was with this construction company; is that correct?

Mr. STEIN. Yes.

Mr. ARENS. Beginning in 1949?

Mr. STEIN. Yes.

Mr. ARENS. Were there any persons identified with you in this Chesapeake Construction Corp. concerning whom you cannot tell us for fear that you would be supplying information which could be used against you in a criminal proceeding?

Mr. STEIN. No.

Mr. ARENS. To what extent have Federal funds been utilized in the work of the Chesapeake Construction Corp. or in the properties which were constructed by the Chesapeake Construction Corp.?

Mr. STEIN. I believe that prior to my coming to work for it they had received a loan guaranteed by the Federal Housing Administration.

Mr. ARENS. Who applied for that loan?

Mr. STEIN. I assume the corporation did through its then officers.

Mr. ARENS. Did you hold an office in the corporation?

Mr. STEIN. I did subsequently, but not at the time of receiving the loan.

Mr. ARENS. Did you sign any documents in order to procure the loan from the Federal Government?

Mr. STEIN. I may have signed some documents later on; yes.

Mr. ARENS. What would be the nature of the documents which you did sign?

Mr. STEIN. I was employed by the company when the balance of the loan was paid, and I may have signed at that time some document.

Mr. ARENS. Did you sign any documents while you were with the construction company in which you made any representation to any allegiance or lack of allegiance which you may have had toward the Government of the United States?

Mr. STEIN. I don't believe so.

Mr. ARENS. During the course of your employment by the Federal Government in the various agencies to which we have been alluding, did you at any time sign any document bearing upon your loyalty toward the Government of the United States or your past membership in any organization dedicated to the overthrow of the Government of the United States?

Mr. STEIN. I refuse to answer that question.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer the simple question as to whether or not he signed any documents.

The CHAIRMAN. Yes; you are directed to answer that question.

Mr. STEIN. I must refuse to answer on the grounds of the fifth amendment, Mr. Chairman.

Mr. ARENS. Do you feel if you told this committee the truth as to whether or not you signed certain documents bearing upon your loyalty to the Government of the United States while you were drawing pay from the Government of the United States as an employee, you would be furnishing information which could be used against you in a criminal proceeding?

Mr. STEIN. I give the same answer as I have previously given to the same question.

Mr. ARENS. Have you ever been a member or officer of the Progressive Party?

(The witness conferred with his counsel.)

Mr. STEIN. Yes.

Mr. ARENS. State the circumstances and the dates, if you please, sir.

Mr. STEIN. I was chairman of the Progressive Party of the District of Columbia about 1951 and 1952. I am not exactly sure of the dates.

Mr. ARENS. Tell the committee who invited you to identify yourself with the Progressive Party.

Mr. STEIN. Nobody. I did it voluntarily.

Mr. ARENS. Were you, at the same time you were chairman of the Progressive Party of the District of Columbia, also identified with another organization which has a title at least of a political party?

Mr. STEIN. I don't understand that question.

Mr. ARENS. Let us try it a bit differently. While you were a leader of the Progressive Party of the District of Columbia were you likewise identified with an organization which has used the title of a political party?

Mr. STEIN. I still don't understand the question.

Mr. ARENS. While you were connected with the Progressive Party were you a member of the Communist Party?

Mr. STEIN. I refuse to answer that question on the same grounds.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that while you were an officer of the Progressive Party of the District of Columbia you were an active, hard-core member of the Communist Party of the United States?

Mr. STEIN. I have previously refused to answer the same question and I have given the grounds for my refusal.

The CHAIRMAN. And you refuse to answer it now?

Mr. STEIN. Yes.

Mr. ARENS. Who were your colleagues and fellow officers in the Progressive Party of the District of Columbia?

Mr. STEIN. The executive secretary during this period was Gertrude Evans.

Mr. ARENS. Gertrude Evans has been identified publicly as a member of the Communist Party, has she not?

Mr. STEIN. I am not sure.

Mr. ARENS. To your knowledge, was she a member of the Communist Party?

Mr. STEIN. I refuse to answer that question.

The CHAIRMAN. You have answered the question as to whether or not you knew her.

Mr. STEIN. Yes; I knew her.

Mr. ARENS. Who else was identified with you in an official capacity with the Progressive Party? Who was vice chairman?

Mr. STEIN. I am really trying to recall.

Mr. ARENS. Sally Peek?

Mr. STEIN. Yes.

Mr. ARENS. Tell us about Sally Peek. Who was she?

Mr. STEIN. As you said, she was vice chairman of the Progressive Party. I think she was a waitress.

Mr. ARENS. Is there anything else you know about her?

Mr. STEIN. I don't know what kind of information you are seeking.

Mr. ARENS. You are before the House Committee on Un-American Activities. Do you know of any activities in which Sally Peek may have been engaged which were detrimental to the security and interests of this Nation?

Mr. STEIN. I refuse to answer this question.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that Sally Peek was likewise a hard-core member of the Communist Party while she was vice chairman of the Progressive Party of the District of Columbia.

Mr. STEIN. I refuse to answer, the same grounds.

Mr. ARENS. Who were some of the other officers of the Progressive Party of the District of Columbia while you were the chairman or its head?

Mr. STEIN. You seem to have a list. Perhaps it would help me if you read from the list because my memory is not too good on this.

Mr. ARENS. Was the Progressive Party of the District of Columbia while you were chairman responsible directly or indirectly to any other entity, group, or organization?

Mr. STEIN. No. It was affiliated with the national Progressive Party.

Mr. ARENS. Did it have an affiliation with any organization dedicated to the violent overthrow of the Government of the United States?

Mr. STEIN. No.

Mr. ARENS. Have you ever been a member of any organization dedicated to the violent overthrow of the Government of the United States?

Mr. STEIN. I have already refused to answer that question previously and have given the grounds.

Mr. ARENS. Was there a person by the name of Lillian Clott who was identified with the Progressive Party of the District of Columbia while you were the chairman?

Mr. STEIN. I believe she was a member of it; yes.

Mr. ARENS. Do you know whether or not she has served in the Communist apparatus?

Mr. STEIN. I refuse to answer that question.

Mr. ARENS. You know, as a fact, do you not, that she is and has been a hard-core member of the Communist Party and has been so publicly identified?

Mr. STEIN. I refuse to answer that question.

Mr. ARENS. Have you in the course of your experience in the last generation or so engaged in some professional activities, teaching and instructing?

Mr. STEIN. No.

Mr. ARENS. Have you ever been identified as an instructor with the Workers School in New York City?

Mr. STEIN. No, sir.

Mr. ARENS. Do you know an Arthur Stein who has been so identified with that Workers School?

Mr. STEIN. No. You understand that I lived in Washington from 1934 to 1953, so this would have to be a different Stein, as far as I am concerned.

Mr. ARENS. Have you been identified with the National Federation for Constitutional Liberties?

Mr. STEIN. I refuse to answer that question on the grounds previously given.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that you have been so identified with the National Federation of Constitutional Liberties, and while you were engaged in employment by the United States Government.

Mr. STEIN. I refuse to answer.

The CHAIRMAN. Is that organization still in existence?

Mr. ARENS. I believe, Mr. Chairman, that organization has since been merged with some other organization and lost its identity as a separate entity.

The CHAIRMAN. It was a Communist front? .

Mr. ARENS. Yes, sir; as of 1945.

Were you identified at any time with the Washington Committee for Democratic Action?

Mr. STEIN. I refuse to answer on the same grounds.

Mr. ARENS. Were you identified at any time with the National Council of Veterans' Administration Employees (affiliated with the United Public Workers, CIO)?

Mr. STEIN. I don't recall ever having heard of this organization.

Mr. ARENS. How about the World Peace Appeal. Have you been identified with that?

Mr. STEIN. I refuse to answer.

Mr. ARENS. Do you feel that to do so would provide information which could be used against you in a criminal proceeding?

Mr. STEIN. Yes.

The CHAIRMAN. Am I to gather from that that this World Peace Appeal organization is an organization of such nature that if you belonged to it you might be prosecuted criminally for being a member?

Mr. STEIN. Well, I have some reason to believe that this organization was on the Attorney General's list of front organizations.

The CHAIRMAN. Front organizations?

Mr. STEIN. Whatever his list is. It is a bad list as far as I am concerned.

The CHAIRMAN. It is a bad list? It is a good list of bad organizations.

Mr. STEIN. Whichever way you want to put it. It is a bad list of good organizations according to some.

Mr. ARENS. You are not suggesting that the World Peace Appeal is a good organization; are you?

Mr. STEIN. Fifth amendment, Mr. Chairman.

Mr. ARENS. The American Peace Crusade—have you ever been identified with that?

Mr. STEIN. The same answer.

Mr. ARENS. How about the Marian Anderson Citizens Committee?

Mr. STEIN. The same answer.

Mr. ARENS. Do you know any person presently in the Federal Government who, if you told us what you know about him, would furnish information which could be used in a criminal prosecution of you?

Mr. STEIN. I refuse to answer on the same grounds.

Mr. ARENS. Have you ever taken an oath of allegiance to the United States Government?

Mr. STEIN. Yes.

Mr. ARENS. At the time you took that oath of allegiance to the United States Government, were you a member of an organization dedicated to the destruction of the United States Government and its institutions by force and violence?

Mr. STEIN. I refuse to answer—fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that this concludes the staff inquiry of this particular witness.

The CHAIRMAN. Mr. Doyle, have you any questions?

Mr. DOYLE. No questions.

Mr. FRAZIER. No questions.

Mr. WILLIS. No questions.

The CHAIRMAN. There are no further questions. The witness is excused, and we will take a 10-minute break at this point.

(Brief recess.)

The CHAIRMAN. The committee will please come to order.

Call your next witness, Mr. Arens.

Mr. ARENS. The next witness, if you please, sir, is Mr. Myer H. Naigles, N-a-i-g-l-e-s.

The CHAIRMAN. Will you raise your right hand, Mr. Naigles. Do you swear the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. NAIGLES. I do.

TESTIMONY OF MYER HARRY NAIGLES, ACCOMPANIED BY COUNSEL, LEONARD B. BOUDIN

Mr. ARENS. Kindly identify yourself by name, residence and occupation.

Mr. NAIGLES. Myer Harry Naigles, 48 Seneca Avenue, Tuckahoe, N. Y. I am self-employed.

Mr. ARENS. In what capacity?

Mr. NAIGLES. I manufacture swimming pool equipment.

Mr. ARENS. Mr. Naigles, will you kindly keep your voice up so we can hear you a little better.

Mr. NAIGLES. I will try.

Mr. ARENS. Are you appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. NAIGLES. Yes, sir.

Mr. ARENS. Will counsel identify himself?

Mr. BOUDIN. Leonard B. Boudin, 25 Broad Street, New York.

Mr. ARENS. Mr. Naigles, have you ever been known by any name other than Myer H. Naigles?

Mr. NAIGLES. I don't believe so.

Mr. ARENS. Have you been known at any time under a nickname of "Mike" or anything of that character?

Mr. NAIGLES. Yes, sir.

Mr. ARENS. Would you explain that for us, please?

Mr. NAIGLES. Many of my friends call me "Mike."

Mr. ARENS. "Mike" in place of Myer?

Mr. NAIGLES. That is right.

Mr. ARENS. Where were you born and when, please, sir?

Mr. NAIGLES. Boston, Mass., June 29, 1899.

Mr. ARENS. Give us, if you please, sir, a thumbnail sketch of your early life and your education.

Mr. NAIGLES. I attended the public schools of Boston, Mass., attended Massachusetts Institute of Technology, graduated, and then later in the thirties when working for the Government I attended the Department of Agriculture Graduate School.

Mr. ARENS. Did you graduate from that school?

Mr. NAIGLES. I don't believe the school actually matriculated its students.

Mr. ARENS. As of when did you complete your formal education?

Mr. NAIGLES. Including the Department of Agriculture?

Mr. ARENS. Let's omit the Department of Agriculture for the moment.

Mr. NAIGLES. 1921.

Mr. ARENS. Kindly trace in sketch form for us the employment in which you have engaged since 1921.

Mr. NAIGLES. Upon graduation I had employment with the Western Electric Co.

Mr. ARENS. In what capacity?

Mr. NAIGLES. Telephone installation.

Mr. ARENS. Where was that?

Mr. NAIGLES. That was in New York City.

Mr. ARENS. Over what period of time did you engage in that activity?

Mr. NAIGLES. About a year and a half.

Mr. ARENS. Kindly continue in the same vein and trace your employment.

Mr. NAIGLES. I then became a salesman in the garment industry for another year and a half.

Mr. ARENS. Was that in New York City?

Mr. NAIGLES. Yes.

Mr. ARENS. At what period of time have we arrived now—about 1924?

Mr. NAIGLES. About then.

Mr. ARENS. Please continue.

Mr. NAIGLES. Then I returned to Boston and was self-employed, a small merchant in the jewelry business until 1929.

The CHAIRMAN. 1929?

Mr. NAIGLES. 1929.

Mr. ARENS. Please continue.

Mr. NAIGLES. Then I became the assistant to the manager of an iron and metal company in Springfield, Mass.

Mr. ARENS. Was that 1930 or 1929?

Mr. NAIGLES. 1929 into 1930.

Mr. ARENS. Continue please.

Mr. NAIGLES. Then I worked for a raw-silk company, in New York.

Mr. ARENS. When was that, please, sir?

Mr. NAIGLES. About 1930 and 1931. Then I was unemployed until I came to work for the Government in the summer of 1934.

Mr. ARENS. For what period of time were you unemployed?

Mr. NAIGLES. I would say a couple of years.

The CHAIRMAN. What was this school in the Agriculture Department?

Mr. NAIGLES. The Department of Agriculture gave various statistics and economics courses at very reasonable cost, and I took several courses there over 2 or 3 years.

Mr. ARENS. In 1934 you entered the Federal service?

Mr. NAIGLES. Yes, sir.

Mr. ARENS. In what capacity?

Mr. NAIGLES. As a statistician.

Mr. ARENS. In what agency?

Mr. NAIGLES. Securities and Exchange Commission.

Mr. ARNES. Who, if anyone, assisted you in procurement of that employment?

Mr. NAIGLES. My Senator at the time was David I. Walsh, and his secretary was George Feldman, if I remember correctly. I applied to them to ask them to see if they could not get me a job, and they suggested that I go over to the Securities and Exchange Commission.

Mr. ARENS. Did you at that time know anyone in the Securities and Exchange Commission?

Mr. NAIGLES. Not then.

Mr. ARENS. How long were you employed by the Securities and Exchange Commission?

Mr. NAIGLES. From 1934 until late spring of 1940. Except for a period of a couple of weeks in 1939 when I worked for the War Department.

Mr. ARENS. In 1939 you were in the War Department?

Mr. NAIGLES. Yes.

Mr. ARENS. Without getting into any details as we go along, just complete the chronology, if you please, sir. I take it then in 1940 your services were discontinued in the SEC; is that right?

Mr. NAIGLES. That is correct.

Mr. ARENS. What precipitated that?

Mr. NAIGLES. My supervisor, Dr. Davenport, at the time was moving over to the Bureau of Labor Statistics and invited me to come with him.

Mr. ARENS. Trace your employment in chronological order.

Mr. NAIGLES. From that time until the fall of 1944 I was with the Bureau of Labor Statistics. Then I transferred to the War Shipping Administration.

Mr. ARENS. Was that 1944?

Mr. NAIGLES. The fall of 1944. I went with the War Shipping Administration—

Mr. ARENS. In what capacity, please, sir?

Mr. NAIGLES. Also as a statistician. I was with them until the spring of 1946, when I left the Government.

Mr. ARENS. Since 1946, give us a brief account of your activities.

Mr. NAIGLES. I was engaged by a textile firm in New York City until the fall of 1947, and by a firm manufacturing swimming pool supplies until I went in for myself.

Mr. ARENS. What precipitated your disassociation from the Federal Government in 1946?

Mr. NAIGLES. The war had ended and I had suffered a tragedy in my family and we wanted to get away from Washington.

Mr. ARENS. Let us revert to the first of your chronology, if you please. Going back to 1934, until 1939, when you went into the War Department, may I ask you if you knew certain people in the SEC. Did you know a man by the name of James E. Gorham, while you were in the SEC?

Mr. NAIGLES. I should like to exercise my privilege under the fifth amendment of the Constitution.

The CHAIRMAN. You said, "I should like to." By that you mean "I do exercise the privilege"?

Mr. NAIGLES. Yes.

Mr. ARENS. Do you feel if you told this committee whether or not you knew a man by the name of James Gorham you would be supplying information which could be used against you in a criminal proceeding?

Mr. NAIGLES. I stand on the answer that I gave you.

Mr. ARENS. Do you feel if you told this committee—that fact—whether or not you knew James Gorham, you would be supplying information which could be used against you in a criminal proceeding?

Mr. NAIGLES. I still stand on my answer.

Mr. ARENS. I am not asking you whether or not you knew James E. Gorham. I am asking whether or not you feel that any knowledge you may have possessed respecting James Gorham could be used in a criminal proceeding against you.

Mr. NAIGLES. I stand on my answer, which says that a witness may not be compelled to testify against himself.

Mr. ARENS. Do you feel if you did give us the answer to the principal question you would be testifying against yourself?

Mr. NAIGLES. I have given the answer.

Mr. ARENS. Let's get the record straight. Do you feel if you gave this committee information respecting James Gorham and any association or knowledge you may have had with respect to him, you would be supplying information which could be used against you in a criminal proceeding?

Mr. NAIGLES. Yes.

The CHAIRMAN. We are not asking you about any activities of yours.

Mr. ARENS. While you were in the SEC did you belong to any organization which, if you told this committee about, would supply information which could be used against you in a criminal proceeding?

Mr. NAIGLES. I plead my privilege under the fifth amendment, sir.

Mr. ARENS. Did you belong to any organization which, if you told this committee about, you think you probably could be prosecuted criminally for it?

Mr. NAIGLES. May I consult my counsel?

(The witness conferred with his counsel.)

Mr. NAIGLES. May I assert the privilege of the fifth amendment.

Mr. ARENS. Mr. Naigles, while you were in the SEC did you belong to certain organizations?

Mr. NAIGLES. I wish to exercise my privilege under the fifth amendment of the Constitution.

Mr. ARENS. If you told this committee the name of any organizations to which you belonged while you were in SEC, do you feel that that information could be used against you in a criminal proceeding?

Mr. NAIGLES. Yes.

Mr. ARENS. Are there any organizations, with which you were identified while you were employed in SEC, concerning which you could tell the committee without disclosing information which could be used against you in a criminal proceeding?

Mr. NAIGLES. May I have that question read back to me?

Mr. ARENS. The essence of the question is this: You have told this committee that there are organizations concerning which you cannot tell us because to do so would supply information which could be used against you in a criminal proceeding. That is correct, is it not? You have told us that.

Mr. NAIGLES. Yes.

Mr. ARENS. Are there any organizations with which you were identified while you were in SEC concerning which you can tell us without disclosing information which could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. NAIGLES. I decline to answer on the grounds that the answer may tend to incriminate me, as provided in the fifth amendment to the Constitution.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be directed to answer.

The CHAIRMAN. I direct the witness to answer that question.

Mr. BOUDIN. Repeat the question.

Mr. ARENS. I want to be sure the witness understands it:

Were you a member, while with the SEC, of any lodge or club other than organizations of, we will say, the "sensitive variety"?

Mr. NAIGLES. May I consult my counsel?

The CHAIRMAN. Certainly.

Did you belong to the Elks Club?

Mr. NAIGLES. No, sir.

Mr. BOUDIN. Can you be more specific?

Mr. ARENS. Did you belong to any labor organizations or office workers unions while you were in SEC? I trace the relevancy of this because a previous witness has testified with respect to the existence of a United Public Workers organization which had many thousands of members in the Federal Government. I am now asking you if you belonged to any organizations other than this "sensitive organization" that we are shying away from at the moment concerning which you can tell the committee.

Mr. NAIGLES. I decline to answer on the grounds provided in the fifth amendment to the Constitution.

Mr. ARENS. I respectfully suggest the witness be ordered and directed to answer that question, Mr. Chairman.

The CHAIRMAN. Yes, I direct you to answer that question.

Did you belong to the Rotary Club, Mr. Naigles?

Mr. NAIGLES. May I consult with counsel?

(The witness conferred with his counsel.)

The CHAIRMAN. You certainly don't need legal counsel to answer the question whether or not you belong to the Rotary Club, do you?

Mr. NAIGLES. I did belong to the American Legion.

Mr. ARENS. Did you belong to the American Legion during this period which we have been discussing in which you find yourself in a situation that you can't tell this committee about certain activities and associations?

Mr. NAIGLES. Can you be more specific as to dates?

Mr. ARENS. You be specific as to dates. It is while you were with SEC.

Mr. NAIGLES. No, I did not belong to the American Legion while I was with the SEC.

Mr. ARENS. Did you belong to the American Legion at any time during which you were also identified with a group or organizations concerning which you cannot tell this committee for fear of giving information which could be used against you in a criminal proceeding?

Mr. BOUDIN. Mr. Chairman, I don't understand the question. It is a very involved one.

Mr. ARENS. We will start over.

Mr. BOUDIN. The witness answered your question.

Mr. ARENS. You have testified here, Mr. Witness, that while you were employed at the SEC—you have placed yourself in this position, that you cannot tell this committee about membership activity or association with a certain organization because to do so would give information which could be used in a criminal proceeding. Isn't that true?

Mr. NAIGLES. Yes.

Mr. ARENS. That is the status of this record. Now, tell us if during that period of time which we are now discussing, you were likewise identified with the American Legion simultaneously, at the same time.

Mr. NAIGLES. I believe so. If I understand your question, I think the answer is yes.

Mr. ARENS. What post, office, or position did you hold in the American Legion?

Mr. NAIGLES. I was a member of post 42 at the Labor Department and also a member of the district committee.

Mr. ARENS. Of the American Legion?

Mr. NAIGLES. District Department of the American Legion.

Mr. ARENS. Have you maintained your membership in good standing in the American Legion?

Mr. NAIGLES. No, sir.

Mr. ARENS. When did you disassociate yourself or become disassociated from the American Legion?

Mr. NAIGLES. When I left Washington.

Mr. ARENS. Was it a voluntary or involuntary disassociation?

Mr. NAIGLES. Voluntary.

Mr. ARENS. While you were in the American Legion did you engage in any activities at the behest, instigation, or direction of any organization concerning which you cannot tell this committee for fear of disclosing information which could be used against you in a criminal proceeding?

Mr. BOUDIN. Mr. Chairman, may I suggest that these questions are of a very general character calling really for legal conclusions. I never heard questions like this put in these committee hearings. They are quite complicated.

The CHAIRMAN. Whether you heard it or not, of course, makes no difference.

Mr. BOUDIN. I was merely indicating the problem. Could we have the question repeated?

The CHAIRMAN. Yes.

(The reporter read from his notes as requested.)

(The witness conferred with his counsel.)

Mr. NAIGLES. I plead my privilege under the fifth amendment.

Mr. ARENS. In other words, if you told this committee about activities in which you were engaged while you were a member of the American Legion, you would be furnishing information which could be used against you in a criminal proceeding; is that correct?

Mr. NAIGLES. Yes, sir.

Mr. ARENS. Were any of those activities in connection with the American Legion and its program or functions?

Mr. NAIGLES. I plead my privilege under the fifth amendment.

Mr. ARENS. While you were in the SEC did you know an individual by the name of Samuel Koenigsberg?

Mr. NAIGLES. I plead the privilege under the fifth amendment.

The CHAIRMAN. May I suggest that instead of plead, you don't plead in a matter of this sort, you invoke the fifth amendment.

Mr. NAIGLES. Thank you.

Mr. ARENS. Did you know an individual by the name of Doxey Wilkerson?

Mr. NAIGLES. I invoke the privilege of the fifth amendment.

Mr. ARENS. Did you know a person by the name of Martin Chancey?

Mr. NAIGLES. I invoke the privilege.

Mr. ARENS. Did you know an individual by the name of Tom Cox?

Mr. NAIGLES. I invoke the privilege of the fifth amendment.

Mr. ARENS. Give us the names of some of your associates in your work while you were in the SEC.

Mr. NAIGLES. In the beginning my supervisor was a man by the name of Dr. Paul P. Gourrich, G-o-u-r-r-i-c-h. Later I worked for Dr. Davenport. I worked with Dr. Davenport until 1944. During that period my more immediate supervisor was a man by the name of Byer, Herman Byer, B-y-e-r. Then I left to go to the Bureau of Labor Statistics.

Mr. ARENS. Keep your voice up, please, Mr. Naigles. We are having difficulty hearing you.

Mr. NAIGLES. When I joined the War Shipping Administration my immediate supervisor was a man by the name of Howard Hyde, H-y-d-e.

Mr. ARENS. I want to stay for the moment, if you please, sir, on SEC until we conclude with that.

Were you head of any group or organization within the SEC while you were employed there?

Mr. NAIGLES. I invoke the privilege under the fifth amendment.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you were head of a Communist Party cell in the SEC while you were engaged there as an employee of the Federal Government.

Mr. NAIGLES. I stand on my answer, sir.

Mr. ARENS. While you were in the SEC were you in any respect instrumental in engaging any person in employment with the SEC, recommending people for employment, assisting people in procuring employment?

(The witness conferred with his counsel.)

Mr. NAIGLES. I don't recall any incidents.

Mr. ARENS. Was your employment with the SEC at the instigation, direction or suggestion of any person who was known by you to have been a member of the Communist conspiracy?

Mr. NAIGLES. Would you repeat that again, please?

Mr. ARENS. Was your employment with the SEC directly or indirectly caused, promoted, or suggested by any person who was known by you to have been affiliated with the Communist conspiracy?

Mr. NAIGLES. None that I know of.

Mr. ARENS. What caused your transfer to the War Department in 1939?

Mr. NAIGLES. I came to learn of an opening there that meant advancement for me.

Mr. ARENS. Did any Communist have any participation directly or indirectly, in your transfer to the War Department?

Mr. NAIGLES. None that I know of.

Mr. ARENS. Proceed, if you please, sir. You were describing how you happened to go to the War Department.

Mr. NAIGLES. If I remember correctly, the job which was open was in the Office of the Assistant Secretary of War. It was a statistical job. I applied for it, and they took me on.

Mr. ARENS. Who was your immediate supervisor?

Mr. NAIGLES. At the War Department?

Mr. ARENS. Yes, sir.

Mr. NAIGLES. I think it was a Major Feldman.

Mr. ARENS. In the course of your duties, did you have access to confidential or restricted information?

Mr. NAIGLES. No, sir.

Mr. ARENS. Were you knowingly precluded from access to confidential or restricted information?

Mr. NAIGLES. I am not aware of any restrictions.

Mr. ARENS. While you were with the War Department did you belong to any organization, entity or unit consisting of War Department employees, concerning which you can not tell this committee without disclosing information which could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. NAIGLES. I invoke the privilege of the fifth amendment.

Mr. ARENS. In other words, if you told this committee of the Congress what you know about the existence in the War Department of an entity or group consisting of employees, you would be supplying information which could be used against you in a criminal prosecution, is that correct?

Mr. NAIGLES. Yes.

Mr. DOYLE. May I ask, what years are involved?

Mr. ARENS. 1939, sir, for a period of—

Mr. WILLIS. I think he stated it was a very short period.

Mr. ARENS. How long was your employment with the War Department?

Mr. NAIGLES. I don't think it was more than a couple of weeks.

Mr. ARENS. Were you on loan from SEC to the War Department?

Mr. NAIGLES. No. I think it was a straight transfer.

Mr. ARENS. What caused your reassignment to the SEC from the War Department?

Mr. NAIGLES. To finish the job on which I had been started at the SEC.

Mr. ARENS. To your knowledge, did your reassignment to the SEC from the War Department come about directly or indirectly by the activity of any person known by you to be a Communist?

Mr. NAIGLES. None that I know of.

Mr. ARENS. Was your reassignment in any way connected with any appraisal of your membership or association in any organization concerning which you cannot tell us?

(The witness conferred with his counsel.)

Mr. BOUDIN. The witness wants to know what the question means. Do you want to repeat it?

Mr. ARENS. Do you have any information to the effect that your reassignment back to SEC from the War Department was occasioned by a suspicion of your loyalty?

Mr. NAIGLES. No.

Mr. ARENS. What occasioned your disassociation from the SEC and the acquisition of your status in the Bureau of Labor Statistics?

Mr. NAIGLES. My superior, Dr. Davenport, was transferred to the Bureau of Labor Statistics and then asked me to come along with him.

Mr. ARENS. Without in any sense implying in this question that the committee has any information at all derogatory of Dr. Davenport, were you at any time connected with him in any extracurricular activities?

Mr. NAIGLES. May I consult with my counsel?

(The witness conferred with his counsel.)

Mr. NAIGLES. I would like to invoke the privilege granted under the fifth amendment of the Constitution.

Mr. ARENS. Was your transfer from SEC to the Bureau of Labor Statistics caused directly or indirectly by any person known by you to have been a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. NAIGLES. None that I know of.

Mr. ARENS. Was it facilitated in any manner by any person known by you to have been a member of the Communist Party?

Mr. NAIGLES. None that I know of.

Mr. ARENS. Tell us, please, about any group or organization with which you were identified within the Bureau of Labor Statistics concerning which, if you gave us the facts, you would be supplying information which could be used against you in a criminal proceeding.

Mr. NAIGLES. I invoke the privilege under the fifth amendment of the Constitution.

Mr. ARENS. In the Labor Department, did you know Eleanor Nelson?

Mr. NAIGLES. I invoke the privilege under the fifth amendment.

Mr. ARENS. Did you know Helen Miller?

Mr. NAIGLES. The same answer. I invoke the privilege under the fifth amendment.

Mr. ARENS. During the course of your service in the Federal Government, did you at any time sign any forms pertaining to your loyalty to the Government?

Mr. NAIGLES. I invoke the privilege under the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

The CHAIRMAN. I direct you to answer that question.

Mr. NAIGLES. May I consult with counsel?

(The witness conferred with his counsel.)

Mr. BOUDIN. Could we get the question again?

(The question was read.)

Mr. NAIGLES. I did.

Mr. ARENS. Did you give truthful answers on those forms?

Mr. BOUDIN. That is a general question. You know, the forms were of different formulation.

Mr. ARENS. Did you sign any forms on which you, in effect, asserted that you had never been a member of an organization dedicated to the overthrow of the Government of the United States by force and violence?

Mr. NAIGLES. I invoke the privilege granted under the fifth amendment.

Mr. ARENS. I don't believe you understood me. I just asked if you signed them. Did you sign any forms of that character?

Mr. NAIGLES. Wasn't that the previous question? You asked me if I had signed any forms and I said, "Yes."

Mr. ARENS. Did you at any time sign any form on which you stated in effect that you had never been a member of an organization dedicated to the violent overthrow of the Government of the United States?

Mr. NAIGLES. I invoke the privilege granted under the fifth amendment.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that he be ordered and directed to answer the simple question whether or not he signed such a form?

The CHAIRMAN. I direct you to answer that question.

(The witness conferred with his counsel.)

Mr. NAIGLES. I don't remember the exact formulation to enable me to give you an answer to that question.

Mr. ARENS. Did you sign a form, the essence of which was, whether or not you had ever been a member of the Communist Party, or any organization of a subversive nature or any organization dedicated to the overthrow of the Government of the United States by force and violence?

Mr. NAIGLES. I don't recall whether I ever signed any statement in accordance with the language which you just gave.

Mr. ARENS. Is that your best recollection?

Mr. NAIGLES. That is my best recollection.

Mr. ARENS. We have testimony on this record this morning by a witness, Mr. Gorham, to the effect that while he was a member of the Communist Party and engaged in the service of the Federal Government, there were no Communist Party cards.

With that as a foundation, I should like to ask you whether or not at any time during the period you were employed by the Federal Government, you ever had a Communist Party card?

Mr. NAIGLES. I invoke the privilege granted under the fifth amendment to the Constitution.

Mr. ARENS. Have we arrived at that point in your career in the Federal Government where we are in the last agency with which you were identified?

Mr. NAIGLES. I am not sure.

Mr. ARENS. I believe we are in the Bureau of Labor Statistics now. Let us now move to the War Shipping Administration. When did you arrive at the War Shipping Administration? In 1944, wasn't it?

Mr. NAIGLES. In the fall of 1944.

Mr. ARENS. Was your transfer to the War Shipping Administration or your employment in that agency caused directly or indirectly by any person who was known by you to be a member of the Communist Party?

Mr. NAIGLES. No, sir.

Mr. ARENS. While you were in the War Shipping Administration did you belong to any group or entity of employees within that agency of the Federal Government, which is of a character that if you described it to this committee, you would be giving information which could be used against you in a criminal proceeding?

Mr. NAIGLES. I invoke the privilege granted under the fifth amendment.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that in every agency of the Federal Government in which you were employed you were a member of a hard-core Communist cell.

Mr. NAIGLES. I invoke the privilege of the fifth amendment.

Mr. ARENS. Are you now a member of the Communist party?

Mr. NAIGLES. I invoke the privilege of the fifth amendment.

Mr. ARENS. Are you now a member of any organization dedicated to the violent overthrow of the Government of the United States?

Mr. NAIGLES. I invoke the privilege of the fifth amendment.

Mr. ARENS. Have you ever been a member of the Communist conspiracy or Communist Party?

Mr. NAIGLES. I invoke the privilege of the fifth amendment.

Mr. ARENS. Can you tell this committee the names of any persons who, to your certain knowledge are now employed in the Federal Government, who, are likewise to your certain knowledge members of the Communist conspiracy?

Mr. NAIGLES. I invoke the privilege of the fifth amendment to the Constitution.

Mr. ARENS. Can you give this committee information respecting the whereabouts of any member of the Communist Party who is now working against the security and interests of this Nation?

(The witness conferred with his counsel.)

Mr. NAIGLES. I invoke the fifth amendment.

Mr. ARENS. Have you ever been affiliated with the Marian Anderson Citizens Committee?

Mr. NAIGLES. I invoke the fifth amendment.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you were a member of the Marian Anderson Citizens Committee in Washington. Have you ever been affiliated with the Washington Bookshop?

Mr. NAIGLES. I invoke the fifth amendment.

Mr. ARENS. Have you ever been connected with the American League for Peace and Democracy?

Mr. NAIGLES. I invoke the fifth amendment to the Constitution.

Mr. ARENS. Have you ever been affiliated with the Washington Committee for Democratic Action?

Mr. NAIGLES. I invoke the fifth amendment to the Constitution.

Mr. ARENS. Have you ever been affiliated with the Washington Committee for Aid to China?

Mr. NAIGLES. I invoke the fifth amendment to the Constitution.

Mr. ARENS. Have you ever been affiliated with the Institute of Pacific Relations?

Mr. NAIGLES. I invoke the fifth amendment to the Constitution.

Mr. ARENS. Have you ever received funds from an organization for services which, if you should describe that organization to this committee, would be supplying information which could be used against you in a criminal proceeding?

Mr. BOUDIN. May I ask you something, Mr. Chairman. Can't that be made more specific? Again we are moving in a very general area.

The CHAIRMAN. Let's rephrase the question.

Mr. ARENS. Have you ever received funds from a sensitive organization—by sensitive organization I mean the Communist Party or a Communist-front organization—for services rendered to that organization?

(The witness conferred with his counsel).

Mr. NAIGLES. I invoke the fifth amendment to the Constitution.

Mr. ARENS. Have you ever been allied, a member of, or affiliated with the American Committee for Protection of Foreign Born?

Mr. NAIGLES. I invoke the fifth amendment to the Constitution.

Mr. ARENS. Do you know Abner Green, the executive secretary of the American Committee for Protection of Foreign Born?

Mr. NAIGLES. I invoke the fifth amendment to the Constitution.

Mr. ARENS. Have you ever engaged in any activities at the behest of the American Committee for Protection of Foreign Born?

Mr. NAIGLES. I invoke the fifth amendment to the Constitution.

Mr. ARENS. Have you ever made contributions to any organization of the sensitive variety, as we have been describing them here today?

Mr. NAIGLES. I invoke the fifth amendment to the Constitution.

Mr. ARENS. Have you ever engaged in any activities directly or indirectly dedicated to the violent overthrow of the Government of the United States?

Mr. NAIGLES. I invoke the fifth amendment to the Constitution.

Mr. ARENS. Have you ever taken a loyalty oath?

Mr. NAIGLES. May I consult with counsel?

(The witness conferred with his counsel)

Mr. BOUDIN. Could you define that?

Mr. ARENS. Have you ever taken an oath to preserve, protect or defend the Constitution of the United States?

Mr. NAIGLES. I must have.

Mr. ARENS. When do you think you must have?

Mr. NAIGLES. When I was a member of the American Legion.

Mr. ARENS. Did you ever violate that oath?

Mr. NAIGLES. Not that I know of.

Mr. ARENS. Have you ever been a member of an organization dedicated to the destruction of the Constitution of the United States and of American institutions?

Mr. BOUDIN. Mr. Chairman, isn't this really a way of asking the same question which the witness pleaded the privilege to before and aren't we covering the same ground?

The CHAIRMAN. I do not think so.

Mr. ARENS. The purpose of the question is to find out whether or not he is observing or has observed the significance of an oath. He has testified here that he has taken an oath to preserve, protect, and defend the Constitution while he was a member of the American Legion, and I just want to be sure that he has adhered to that oath.

Mr. NAIGLES. I invoke my privilege under the fifth amendment to the Constitution.

Mr. ARENS. I have no further questions, Mr. Chairman.

The CHAIRMAN. Any questions?

Mr. DOYLE. May I inquire?

During the time you were employed in the Bureau of Labor Statistics, in the Labor Department, did you attend any secret meeting of a Communist cell made up of members of the Communist Party in that Department?

Mr. NAIGLES. I respectfully invoke the privilege.

Mr. DOYLE. You respectfully invoke it?

Mr. NAIGLES. The privilege under the fifth amendment to the Constitution.

Mr. DOYLE. I ask you the same question during the time that you were employed in the SEC. During that period of time did you attend secret Communist cell meetings made up of other employees of the SEC?

Mr. NAIGLES. I respectfully invoke the privilege under the fifth amendment to the Constitution.

Mr. DOYLE. I think you said you worked for the War Department for 2 weeks, is that correct?

Mr. NAIGLES. Yes, sir.

Mr. DOYLE. During the 2 weeks you worked for the War Department, did you attend secret meetings of the Communist cell in Washington made up of members of War Department employees?

Mr. NAIGLES. I respectfully invoke the privilege under the fifth amendment.

Mr. DOYLE. Do you understand my question? I was referring to the short period of 2 weeks.

Mr. NAIGLES. Yes.

Mr. DOYLE. During 1944 when you worked for the War Shipping Administration, did you attend secret meetings of the Communist cell made up of staff employees of the War Shipping Administration and yourself?

Mr. NAIGLES. I respectfully invoke the privilege of the fifth amendment.

Mr. DOYLE. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Frazier.

Mr. FRAZIER. No questions.

The CHAIRMAN. Mr. Willis.

Mr. WILLIS. No questions.

The CHAIRMAN. The witness is excused.

Mr. ARENS. That is all we have for today, Mr. Chairman.

The CHAIRMAN. The committee will stand in recess, to meet again at 10 o'clock tomorrow.

(Whereupon, at 3:25 p. m., Tuesday, February 14, 1956, the committee was recessed, to reconvene at 10 a. m. Wednesday, February 15, 1956.)

INVESTIGATION OF COMMUNIST INFILTRATION OF GOVERNMENT—PART 3

WEDNESDAY, FEBRUARY 15, 1956

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 10:15 a. m., pursuant to recess, in the caucus room of the House Office Building, Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Francis E. Walter of Pennsylvania (presiding), Morgan M. Moulder of Missouri, Clyde Doyle of California, James B. Frazier, Jr. of Tennessee, Edwin E. Willis of Louisiana, and Bernard W. Kearney of New York.

Staff members present: Richard Arens, acting counsel, and Courtney E. Owens, investigator.

The CHAIRMAN. The committee will be in order.

The committee is very happy to learn that General Kearney has returned from a long arduous investigation of hospitals and will be with us from now on.

Call your first witness.

Mr. ARENS. Mr. Irving Richter, please.

Mr. Richter, please remain standing, raise your right hand and be sworn.

The CHAIRMAN. Do you swear the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. RICHTER. I do.

TESTIMONY OF IRVING RICHTER, ACCOMPANIED BY COUNSEL, HARRY I. RAND

Mr. ARENS. Mr. Richter, the acoustics in this room are not too good so will you kindly keep your voice up, please?

Mr. RICHTER. Mr. Chairman, may we avoid the pictures?

Mr. RAND. May we avoid this camera business?

The CHAIRMAN. The rule of the committee is that pictures may be taken before the witness testifies.

Mr. RAND. The witness has already been sworn, Mr. Chairman.

The CHAIRMAN. He has been sworn but he has not testified.

Mr. ARENS. Will you kindly identify yourself by name, residence and occupation?

Mr. RICHTER. My name is Irving Richter; I live in Detroit. I am self-employed.

Mr. ARENS. In what capacity are you employed?

Mr. RICHTER. As a business man, selling.

Mr. ARENS. What is the nature of the commodity which you sell?

Mr. RICHTER. Toys and novelties.

Mr. ARENS. Are you appearing today, Mr. Richter, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. RICHTER. Yes, sir.

Mr. ARENS. Are you represented by counsel?

Mr. RICHTER. Yes, sir.

Mr. ARENS. Will counsel kindly identify himself?

Mr. RAND. Harry I. Rand, Wyatt Building, Washington 5, D. C.

Mr. ARENS. Mr. Richter, have you ever been known by any name other than the name Irving Richter?

Mr. RICHTER. I respectfully invoke the privilege of the fifth amendment in answer to that question.

Mr. ARENS. Do you feel that if you would tell this committee any other name under which you may have gone in your lifetime that that would furnish information which could be used against you in a criminal proceeding?

Mr. RICHTER. Yes, sir.

Mr. ARENS. Kindly give us, if you please, a word about your educational background.

Mr. RICHTER. I went to the public schools of New York.

Mr. ARENS. Were you born in New York?

Mr. RICHTER. Yes, sir. I graduated from the University of Wisconsin.

Mr. ARENS. In what year?

Mr. RICHTER. Madison, Wis., 1934.

Mr. ARENS. What degree did you receive?

Mr. RICHTER. Bachelor of Arts.

Mr. ARENS. Will you kindly trace in résumé form, Mr. Richter, the employment which you have had since you completed your formal education at the University of Wisconsin?

Mr. RICHTER. My first full-time employment was with the Federal Emergency Relief Administration.

Mr. ARENS. Where was that and when?

Mr. RICHTER. 1934 to 1935 in Washington.

Mr. ARENS. In what capacity?

Mr. RICHTER. I was first employed as a senior clerk.

Mr. ARENS. At the moment we just want to get a skeleton of your employment and not dwell on any particular employment. Now give us the next employment which you had.

Mr. RICHTER. I was employed as special assistant in the transient division of both FERA and when it became WPA.

Mr. ARENS. And the date on that series of employments, please?

Mr. RICHTER. 1934, 1935 and part of 1936, I believe, to the best of my recollection.

Mr. ARENS. Now proceed to give us a chronology.

Mr. RICHTER. From 1936 to 1938, I was a special agent in the division of investigation of the Works Progress Administration.

Mr. ARENS. Where?

Mr. RICHTER. In New York regional office.

Mr. ARENS. Kindly proceed in like manner to trace your employment record.

Mr. RICHTER. In 1938, I went to the Wage and Hour Division of the Labor Department in Washington.

Mr. ARENS. How long were you there?

Mr. RICHTER. 1938 to some time in 1943.

Mr. ARENS. Kindly proceed.

Mr. RICHTER. In the period from 1943 to 1948 I wish to invoke the privilege granted me under the fifth amendment.

Mr. ARENS. That is, when you worked for the United Auto Workers; is that correct?

Mr. RICHTER. I decline to answer that on the grounds of the first and fifth amendment.

Mr. ARENS. Do you feel that if you should give this committee a truthful answer as to the place and dates of your employment from 1943 to 1948 that you would be supplying information which would be used against you in a criminal prosecution?

Mr. RICHTER. I think the answer might tend to incriminate me.

Mr. ARENS. Let us get this absolutely clear, the status of your mind.

Do you feel that that information could be used against you in a criminal proceeding?

Mr. RICHTER. I answered the question.

Mr. ARENS. Answer it again.

Do you think that information could be used against you in a criminal proceeding?

Mr. RICHTER. It could be used.

The CHAIRMAN. May I ask this question?

Between 1943 and 1948 were you employed by the United Auto Workers?

Mr. RICHTER. I have invoked the privilege, Congressman, under the first and fifth amendment on that.

The CHAIRMAN. Why do you think it would subject you to a criminal prosecution to admit that you had been employed by this union?

Mr. RICHTER. Because this union has been called by this committee from time to time a Communist-front organization, a Communist-controlled organization.

The CHAIRMAN. You know, you are entirely in error about that. This committee has never made any such finding.

Mr. RICHTER. I don't know whether it has made an official finding, but I do know that in times past this committee under different chairmen has had witnesses before it who have called the UAW-CIO a Communist organization or a Communist-controlled organization.

Mr. ARENS. Mr. Witness, may I ask you this:

Is your refusal to answer based upon your activities from 1943 to 1948, or merely upon your identification with a given employer?

Mr. DOYLE. After your statement, Mr. Chairman, I might say that it was my responsibility to preside at the subcommittee hearing in another State where we did have witnesses from the United Auto Workers, and I am sure the record will show at that time that I declared on behalf of the committee that we were not contending that that union was a Communist front but that we would not desist from investigating

the extent to which the Communists had infiltrated that union or any other union merely because it was a union.

The CHAIRMAN. That is my recollection. I read the record after the hearing and that is why I asked the question.

Proceed.

Mr. ARENS. We have a question that is outstanding.

Mr. RICHTER. What is the question?

Mr. ARENS. The question is this:

Is your declination to answer respecting your employment from 1943 to 1948 based upon your personal activities or based upon the affiliation which you had with your employer?

Mr. RICHTER. I decline to answer that question on the grounds of the fifth amendment.

The CHAIRMAN. Is it not a fact that you are attempting to use this union to hide activities in which you were engaged rather than legitimate labor union activities?

Mr. RICHTER. I think I am entitled to decline to answer that question, Congressman, under the privilege.

The CHAIRMAN. Do you decline to answer?

Mr. RICHTER. Yes, sir.

The CHAIRMAN. It is always very disturbing to me to see the large number of fine hard-working labor union members who are deceived by the sort of thing that is developing right here today.

Mr. ARENS. Now give us, if you please, sir, the complete chronology here on your employment. From 1943 to 1948 you decline to answer. Now pick it up as of that period where you will answer.

Mr. RICHTER. For a short time in 1948 and 1949 I was assistant editor or associate editor, I have forgotten which, of a small community newspaper outside of Detroit.

Mr. ARENS. What subdivision was that?

Mr. RICHTER. Inkster.

Mr. ARENS. What is the name of the publication?

Mr. RICHTER. It was a suburban weekly.

Mr. ARENS. Continue with your employment record from there, please, sir.

Mr. RICHTER. Since that time I have been self-employed.

Mr. ARENS. Are you president of a company?

Mr. RICHTER. Yes.

Mr. ARENS. What is the name of the company?

Mr. RICHTER. Organization Services.

Mr. ARENS. Where is it located?

Mr. RICHTER. In Detroit.

Mr. ARENS. Is it a corporation?

Mr. RICHTER. Yes, sir.

Mr. ARENS. Where is it incorporated?

Mr. RICHTER. In Detroit.

Mr. ARENS. Mr. Richter, in the course of the recent past, did you have a conversation with a representative of the staff of the House Committee on Un-American activities, Mr. Appell?

Mr. RICHTER. Yes, at the time he handed me the subpoena.

Mr. ARENS. When was that?

Mr. RICHTER. The latter part of November or the first part of December 1955.

Mr. ARENS. What did you tell Mr. Appell with reference to your attitude of cooperation or noncooperation with this committee and other agencies of the Government?

Mr. RICHTER. I don't know the exact words that I used with Mr. Appell.

Mr. ARENS. Did you tell him you had cooperated with the FBI?

Mr. RICHTER. No.

Mr. ARENS. Did you tell him in effect that you would cooperate with this committee?

Mr. RICHTER. I don't remember exactly the words I used. I told him I would be very happy to come to the committee. I don't remember him asking me the direct question.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. RICHTER. No, sir.

Mr. ARENS. Were you a member of the Communist Party 1 year ago?

Mr. RICHTER. As to past affiliation, I invoke the privilege of the fifth amendment.

Mr. ARENS. Were you a member of the Communist Party as of the time you were served a subpoena to appear before this committee?

Mr. RICHTER. As to past membership, I invoke the privilege of the fifth amendment.

Mr. ARENS. Were you a member of the Communist Party yesterday?

Mr. RICHTER. As to past membership, as I have said, I invoke the privilege of the fifth amendment.

Mr. ARENS. Am I to conclude from that phraseology, a past membership, that you are implying that you were a member yesterday?

Mr. RICHTER. I decline to answer that on grounds of the fifth amendment.

Mr. ARENS. When did you disassociate yourself from the Communist Party?

Mr. RICHTER (after conferring with his counsel). I decline to answer that on the same grounds.

Mr. ARENS. I should like to invite your attention to the schedule of your employments which you have just recited.

From 1934 to 1935 you have pointed out that you were employed by the Federal Government in the relief agency as a senior clerk.

I now ask you whether you were, while you were on the Federal payroll from 1934 to 1935, in that particular job, also a member of a Communist Party cell in the Government?

Mr. RICHTER (after conferring with counsel). I invoke the privilege of the fifth amendment in answer to that question.

Mr. ARENS. Who is Edna Richter?

Mr. RICHTER. I have a sister named Edna Richter.

Mr. ARENS. Was she likewise employed in the Government at the same time you were?

Mr. RICHTER. As to that, I invoke the privilege—

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered to answer that question.

The CHAIRMAN. I direct the witness to answer.

Mr. RAND. May I consult with the witness a moment?

The CHAIRMAN. Surely.

Mr. RICHTER (after conferring with counsel). I will answer that question.

Mr. RAND. May we have the question?

Mr. ARENS. Perhaps the reporter can read it.

(The pending question was read by the reporter.)

Mr. RICHTER. Yes, sir.

Mr. ARENS. Where was that employment?

Mr. RICHTER. I believe it was in FERA and perhaps the first part of WPA.

Mr. ARENS. Over what period of time?

Mr. RICHTER. Some time in 1934 and 1935. I don't know just what period.

Mr. ARENS. Did you and Edna Richter belong to any organization together?

Mr. RICHTER (after conferring with counsel). With respect to that question, I respectfully invoke the privilege of the fifth amendment.

Mr. ARENS. Did you know a person by the name of Marcel Kistin, K-i-s-t-i-n?

Mr. RICHTER. I invoke the privilege in answer to that question.

Mr. ARENS. Do you feel that if you told this committee the truthful answer with respect to any contact or association you may have had with Marcel Kistin that it could be used against you in a criminal proceeding?

Mr. RICHTER. It might be.

Mr. ARENS. Did you know an individual by the name of Bernard Greenberg?

Mr. RICHTER. I respectfully invoke the privilege with respect to that question.

Mr. ARENS. Did you know an individual by the name of Sidney Katz?

Mr. RICHTER. Same answer.

Mr. ARENS. Did you know a person by the name of Rebecca P-f-e-f-e-r-m-a-n?

Mr. RICHTER. Same answer.

Mr. ARENS. Yesterday a man took an oath before this committee to tell the truth, and he testified that while he was employed in WPA in Washington, you were a member of a Communist Party cell; that he knew you and identified you as such.

Was he lying or was he telling the truth?

(Witness confers with counsel.)

Mr. ARENS. The man's name was James E. Gorham, G-o-r-h-a-m.

Mr. RICHTER. I decline to answer on the grounds that the answer might incriminate me.

Mr. ARENS. When you transferred in 1935 as a clerk over to special assistant in FERA, what were your duties?

Mr. RICHTER. My duties included drawing up some procedures on the intake, the work, the discharge and generally the handling of what we called transient relief cases. It also included inspecting the facilities that they were housed in.

Mr. ARENS. Was your employment in that particular agency occasioned directly or indirectly by any person known by you to have been a member of the Communist conspiracy?

Mr. RICHTER (after conferring with counsel). No, sir.

Mr. ARENS. Did you, in the course of your employment, have access to any confidential or restricted information?

Mr. RICHTER. Not that I know of.

Mr. ARENS. Did you, in the course of your employment, work in connection or conjunction with people known by you to be in the Communist conspiracy?

Mr. RICHTER (after conferring with counsel). Would you mind repeating that question?

Mr. ARENS. In the performance of your work in FERA, not any extracurricular activity but in the performance of your duties, did you work with any persons known by you to have been members of the Communist conspiracy?

Mr. RICHTER (after conferring with counsel). I decline to answer that on grounds of the fifth amendment.

Mr. ARENS. In other words, is it true that if you told this committee a truthful answer with respect to that principal question, you would be supplying information which might be used against you in a criminal proceeding?

Mr. RICHTER. The answer I give might be used against me.

Mr. ARENS. Mr. Richter, when did you have a change of heart toward this committee and intelligence agencies of the Government?

Mr. RICHTER. I have had no change of heart that I know of.

Mr. ARENS. With whom have you discussed your prospective appearance before this committee since you received your subpoena?

Mr. RICHTER. My wife, my lawyer.

Mr. ARENS. Have you discussed it with any person known by you to be or to have been a member of the Communist conspiracy?

Mr. RICHTER (after conferring with counsel). Would you mind repeating that question?

Mr. ARENS. Have you discussed your prospective appearance before this committee with any person known by you to have been a member of the Communist conspiracy?

Mr. RICHTER (after conferring with counsel). No.

Mr. ARENS. Now let us proceed with your next series of employments.

From 1936 to 1938 you were special agent in the Division of Investigations at the WPA at the regional office; where was that regional office?

Mr. RICHTER. New York City.

Mr. ARENS. Was your employment occasioned there directly or indirectly by a person known by you to have been affiliated with the Communist conspiracy?

Mr. RICHTER. No.

Mr. ARENS. Were you, in the course of your work, not, again, extracurricular activities, but in the course of your work, associated in any activities with persons known by you to have been allied with the Communist conspiracy?

Mr. RICHTER. I decline to answer that on the grounds of the fifth amendment.

Mr. ARENS. In other words, if you told this committee truthfully whether or not you had been allied with such individuals while you were on the Federal payroll in the regional office of WPA in New York City, you would be supplying information which might be used against you in a criminal proceeding; is that correct?

Mr. RICHTER. It's a pretty complicated phraseology you have there, Counsel.

Mr. ARENS. You have declined to answer before this committee under oath whether or not you were in alliance on the job with people known by you to have been members of the Communist conspiracy.

The record shows that, does it not? You have declined to answer?

Mr. RICHTER. Yes.

Mr. ARENS. I am now asking you whether or not your declination is based on a fear in your mind that if you did give a truthful answer to that question you would be supplying information which might be used against you in a criminal proceeding?

Mr. RICHTER. I think that is a fair statement, that I fear it might be used against me.

Mr. ARENS. Well, if you had not been allied with any people in the Communist conspiracy, you need have no fear?

Mr. RICHTER. I fear that my answer to your questions, Mr. Counsel, might be used against me.

Mr. ARENS. Let us move on to your assignment in the Wage and Hour Division of the Department of Labor in Washington from 1938 to 1943.

Was your employment occasioned there directly or indirectly by the intervention or activity of any person known by you to have been a member of the Communist conspiracy?

Mr. RAND. Where is this?

Mr. ARENS. Wage and Hour Division in the Department of Labor from 1938 to 1943.

Mr. RICHTER (after conferring with counsel). No.

Mr. ARENS. Were you a member of a conspiracy against the Government of the United States in conjunction with other persons in the Government while you were in the Wage and Hour Division of the Department of Labor?

Mr. RICHTER. I will have to ask you to repeat that one, Mr. Counsel.

Mr. ARENS. Were you a member of a conspiracy against this Government within the Wage and Hour Division of the Department of Labor while you were employed there from 1938 to 1943?

Mr. RICHTER (after conferring with counsel). Conspiracy to do what?

Mr. ARENS. Were you a member, we will qualify it, of an organization of a conspiratorial nature which advocates and did advocate the forceful overthrow of the Government of the United States?

Mr. RICHTER (after conferring with counsel). I respectfully decline to answer that question.

Mr. ARENS. You feel that to do so would give information which might be used against you in a criminal prosecution; is that correct?

Mr. RICHTER. It might.

Mr. ARENS. What occasioned your disassociation from the Department of Labor in 1943?

Mr. RICHTER. I received an offer for another job.

Mr. ARENS. And in the course of that other job which begins in this blackout period from 1943 to 1948, did you have occasion to make the acquaintance of Dorothy Funn, F-u-n-n?

Mr. RICHTER. I respectfully decline to answer that question.

Mr. ARENS. Mrs. Dorothy Funn—

Mr. RICHTER. I wanted to finish my answer.

My declination was based on the fifth amendment.

Mr. ARENS. Mrs. Dorothy Funn testified on May 4, 1953, before the Committee on Un-American Activities that she was a one-time member of the Communist Party in Washington, D. C., and was in contact and associated with you as a legislative representative who was lobbying here for the Communist conspiracy.

Was she lying or was she telling the truth?

Mr. RICHTER. I respectfully decline to answer that question on the same grounds.

Mr. ARENS. Where was your employment from 1943 to 1948?

Mr. RICHTER (after conferring with counsel). In Washington, D. C.

Mr. ARENS. Was the employment here continuously from 1943 to 1948, or did you also have occasion in the course of your employment to be absent from Washington?

Mr. RICHTER. I had occasion to make many trips.

Mr. ARENS. Where was the general area of those trips?

Mr. RICHTER. Throughout the United States.

Mr. ARENS. Did you have occasion to frequently make trips to Detroit, Mich.?

Mr. RICHTER. Yes.

Mr. ARENS. Was that the central source of the funds which sustained you during this period?

Mr. RICHTER (after conferring with counsel). I think it is reasonable for me to invoke the privilege in answer to this question.

The CHAIRMAN. Do you?

Mr. RICHTER. I do, sir.

Mr. ARENS. During the course of your employment from 1943 to 1948, did you interest yourself professionally in legislation?

Mr. RICHTER (after conferring with counsel). I invoke the privilege of the fifth amendment in answer to that question.

The CHAIRMAN. I direct you to answer that question.

Mr. RICHTER. My reason for that, Congressman Walter, is that as I understand, Miss or Mrs. Funn testified about legislative activity at the time she named me, and that was the central activity she discussed.

I therefore think that to protect myself against any possible use of my testimony in any possible future proceeding that I am entitled to this privilege.

The CHAIRMAN. How could you possibly feel apprehensive on the question of prosecution for advocating the enactment or the defeat of any kind of legislation?

Mr. RAND. Counsel has just read a statement which Miss Funn is supposed to have made in 1953.

The CHAIRMAN. What difference does it make if every Communist in the United States and one person who is not a Communist advocates the enactment of certain legislation?

Mr. RAND. Miss Funn testified, as I understand, that Mr. Richter during a certain period was active in lobbying for legislation in support of the Communist conspiracy, and if you will ask counsel to repeat that, I think those are almost the exact words Miss Funn is reported to have used.

In view of that, I respectfully urge that Mr. Richter here is entitled to invoke the privilege in protection of his rights. It is because

of that testimony which counsel has just referred to that I believe Mr. Richter—

The CHAIRMAN. I venture the curbstone opinion that any person who would advocate the legalization of the Communist Party would not be guilty of any crime under the laws of the United States.

Proceed, Mr. Arens.

Mr. ARENS. Were you at any time legislative representative for the United Auto Workers.

Mr. RICHTER. I respectfully decline to answer that question on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question because there is not a necessary connection between the activity of lobbying for the United Auto Workers and the commission of any criminal offense.

The CHAIRMAN. You are directed to answer that question.

Mr. RAND. Mr. Chairman, may I be heard a moment here so that I can advise my client?

The CHAIRMAN. You can advise him, surely. I do not want your advice. Advise your client.

Mr. RAND. May I understand the rationale of the ruling?

I don't want to impose on the committee but as I understand, the committee earlier did sustain Mr. Richter's invocation of the privilege with respect to affiliation with the United Automobile Workers, if indeed there was an affiliation.

The CHAIRMAN. He has been asked a question.

Mr. RICHTER (after conferring with counsel). I would like to explain why I do not wish to answer this question.

The CHAIRMAN. It is not a case of whether you wish to answer the question or not; it is a question of whether you decline to answer.

Mr. RICHTER. I would like to decline and explain why I decline.

The CHAIRMAN. Do you decline to answer by invoking the fifth amendment?

Mr. RICHTER. I do want to invoke the fifth amendment and the reason for it, Mr. Chairman—

The CHAIRMAN. That is enough. You invoked the fifth amendment.

Mr. RICHTER. If you feel no explanation is necessary.

Mr. ARENS. During this period from 1943 to 1948 were you engaged professionally in any research work?

Mr. RICHTER (after conferring with counsel). Yes, sir; I engaged in some research work.

Mr. ARENS. Was that here in Washington?

Mr. RICHTER. Yes.

Mr. ARENS. And who was engaged with you in that research work?

Mr. RICHTER. I decline to answer that question on the same grounds.

Mr. ARENS. Who was your immediate superior in your research work?

Mr. RICHTER. I decline to answer that question on the same grounds.

Mr. ARENS. Were you at any time during your employment with the United States Government requested to, and did you sign any loyalty oath?

Mr. RICHTER. I don't really remember.

Mr. ARENS. Did you at any time sign any form to the effect that you had never been a member of the Communist Party, an organization dedicated to the forceful overthrow of the Government of the United States?

Mr. RICHTER. I don't really remember whether I signed any such.

Mr. ARENS. In 1948 what occasioned your disassociation from this activity or affiliation for which the curtain is drawn?

Mr. RICHTER (after conferring with counsel). I wonder if you would mind repeating the question?

Mr. ARENS. I will come to the essence of it. What occasioned the change in your status from the activity which is shrouded in darkness to an activity beginning, according to your own recitation, in 1948, that you can talk about?

Mr. RICHTER. I hate to draw a shroud again, but I respectfully invoke the privilege of the fifth amendment.

Mr. ARENS. Did you at that time get in a little difficulty with your associates who were engaged in this activity with you?

Mr. RICHTER. I respectfully invoke the privilege in answer to that question.

Mr. ARENS. Did you have any contact or association with any factional difficulties in this activity shrouded in darkness?

Mr. RICHTER. I must again decline to answer on the same grounds.

Mr. ARENS. Were you fired by your employers?

Mr. RICHTER. I decline to answer on the same grounds.

Mr. ARENS. Was your disassociation voluntary or involuntary?

Mr. RICHTER. I again invoke the privilege.

Mr. ARENS. Did you have any knowledge or did you participate directly or indirectly in the shooting of Walter Reuther?

Mr. RICHTER. No.

Mr. ARENS. Were you questioned by the police with reference to that incident?

Mr. RICHTER. No.

Mr. ARENS. In what type of research work were you engaged during the period of darkness?

Mr. RICHTER (after conferring with counsel). Legislative and economic research.

Mr. ARENS. Could you elaborate for us? Was it legislative with reference to prices or labor conditions?

Mr. RICHTER. It covered practically the whole field of legislation, including some of Congressman Walter's bills.

Mr. ARENS. Were you interested in legislation which was designed to rout the Communist conspiracy?

The CHAIRMAN. I did not quite get that. Were you assigned to analyze my bills?

Mr. RICHTER. I said all kinds of bills, including some of your bills.

The CHAIRMAN. Particularly the Government contract law, I suppose?

Mr. RICHTER. No.

The CHAIRMAN. The law which requires the payment of minimum prevailing rates of wages under decent working conditions to the workers. Is that the one you were analyzing?

Mr. RICHTER. I am familiar with that one, too, Congressman.

Mr. ARENS. What did you do with your analysis after you completed it?

Mr. RICHTER (after conferring with counsel). I think this is bringing in the back door the same question, and therefore I must respectfully decline to answer.

Mr. ARENS. Well, now, we are back in the period of daylight and sunshine, 1948 and 1949. During that period did you know a person by the name of Edith Van Horn?

Mr. RICHTER. I respectfully decline to answer on the same grounds.

Mr. ARENS. During that period from 1948 to 1949, did you know a person by the name of Stanley K. Nowak?

Mr. RICHTER. I respectfully decline to answer that question on the same grounds.

Mr. ARENS. You engaged in some political activity during this period of daylight, did you not, from 1948 to 1949?

Mr. RICHTER (after conferring with counsel). I decline to answer that question.

Mr. ARENS. I put it to you as a fact that in 1948 you were the campaign manager for Stanley Nowak for the United States Congress on the Progressive Party ticket?

Mr. RICHTER. I respectfully decline to answer that question.

(Witness confers with counsel.)

Mr. ARENS. We are not getting much daylight here.

Did you know a person by the name of Martin Berkeley?

Mr. RICHTER. Would you repeat that?

Mr. ARENS. B-e-r-k-e-l-e-y.

Mr. RICHTER. No.

Mr. ARENS. Did you know a person by the name of Cedric H. Belfrage?

Mr. RICHTER. No.

Mr. ARENS. Did you do some writing for the National Guardian in the course of your career as a journalist?

Mr. RICHTER. I respectfully invoke the privilege of the first amendment and the fifth amendment, and decline to answer that question.

Mr. ARENS. Mr. Chairman, I have in my hand a photostatic copy of an article appearing in the National Guardian of April 19, 1950, an article with the byline of Irving Richter. I now lay that before the witness and ask him if he can identify that article.

Mr. RAND. May we have a moment to look at this?

The CHAIRMAN. Surely.

Mr. RICHTER (after conferring with counsel). In answer to the question, I decline to answer the question on the grounds of the first amendment and the fifth amendment.

Mr. ARENS. Mr. Chairman, this article is, as I have stated, an article which appeared in a public press. I am only asking the witness if he can identify the article or if he has ever seen it.

It is a public article under the byline of Irving Richter. I would respectfully suggest to the chairman that the mere preparation of an article or identification of the article could not possibly connect this witness with a criminal offense.

Therefore, I respectfully suggest that the Chair order and direct the witness to answer the question as to whether or not he has ever seen this article before.

Mr. RAND. In what press is that?

Mr. ARENS. National Guardian.

The CHAIRMAN. You are directed to answer the question.

Mr. RICHTER (after conferring with counsel). I respectfully decline, and I would like to explain, Congressman Walter, that I am refusing to answer this question on the grounds of the first and fifth amendments because the editor of that paper has been deported, I believe, and has been named before this and other governmental committees as being subversive or Communist, or both.

Mr. ARENS. I am under the impression, Mr. Chairman, that this record shows that the witness has already testified he did not know Belfrage, so if he did not know Belfrage there could be no possible connection between himself and any deportation case against Belfrage.

The CHAIRMAN. You have been directed to answer.

Mr. RICHTER. I decline to answer on the same grounds.

Mr. ARENS. Were you connected with the Civil Rights Congress in Detroit, Mich.?

Mr. RICHTER. I decline to answer on the grounds of the fifth amendment and the first amendment.

Mr. ARENS. The Washington Book Shop in Washington, D. C.?

Mr. RICHTER. I decline to answer on the same grounds.

Mr. ARENS. The American League for Peace and Democracy?

Mr. RICHTER. I decline to answer on the same grounds.

Mr. ARENS. Who was Maurice Sugar?

Mr. RICHTER. I decline to answer on the same grounds.

Mr. ARENS. Who was Dean Robb?

Mr. RICHTER. I decline to answer on the same grounds.

Mr. ARENS. Were you the host at a party in 1949 at 4277 Seebaldt in Detroit?

Mr. RICHTER. Was I—will you repeat that?

Mr. ARENS. Did you ever live at 4277 Seebaldt?

Mr. RICHTER. Yes.

Mr. ARENS. Was that a house or apartment?

Mr. RICHTER. Flat, upper and lower flat.

Mr. ARENS. Did you on occasions have parties there for your friends?

Mr. RICHTER. Sure.

Mr. ARENS. Did you have one there in which you had some of your friends in to discuss the position of the 12 Communist indicted leaders?

Mr. RICHTER. I respectfully decline to answer on the same grounds.

Mr. ARENS. On May 14, 1948, I put it to you as a fact that you held a Communist Party cell meeting there for the purpose of instigating action on behalf of the 12 indicted leaders of the Communist Party?

Mr. RAND. What is the question?

Mr. ARENS. I put it to him as a fact and ask him to deny or affirm it is a fact.

Mr. RICHTER. I invoke the privilege, first and fifth.

Mr. ARENS. Are there any persons known now by you to be employed in the Federal Government who to your certain knowledge are now members of the Communist conspiracy?

Mr. RICHTER (after conferring with counsel). No.

Mr. ARENS. Can you identify any persons who to your certain knowledge were members of the Communist conspiracy and were employed in the Federal Government?

Mr. RICHTER (after conferring with counsel). I suppose it's a clear question but it isn't clear to me.

Mr. ARENS. Will you tell this Committee on Un-American Activities the names of persons known by you to have been in the Communist conspiracy while employed in the Federal Government?

(Witness confers with counsel.)

Mr. RICHTER. I decline to answer on the same grounds.

Mr. ARENS. Have you ever taken an oath to support and defend the Constitution of the United States?

Mr. RICHTER. I must have but I don't remember specifically.

Mr. ARENS. Were you in the service?

Mr. RICHTER. No, sir.

Mr. ARENS. The staff has no further questions at this time, Mr. Chairman.

The CHAIRMAN. Mr. Doyle, have you any questions?

Mr. DOYLE. One or two questions, Mr. Chairman.

When counsel questioned you about the period between 1943 and 1948, you invoked the privilege of the fifth amendment.

I understood from your testimony that you had disassociated yourself from Communist Party membership sometime prior to this hour; this day, is that true?

Mr. RICHTER (after conferring with counsel). I want to be as full as I can in answering what I think is a fairly important but involved question.

First, I said I was not at present a member of the Communist Party. My declination to answer was certainly neither an affirmation nor a denial of past membership.

I think you can understand the reasons other than the publicized reasons why I would answer that way.

Mr. DOYLE. Let me be frank with you.

Under Public Law 601 we are assigned responsibility of ascertaining how the Communist Party as a subversive party operates, both as to individuals and groups of individuals, in order to report to Congress in the field of legislation.

Now, granting that your statement that you are not now a member of the Communist Party is true, when I heard you invoke the fifth amendment as to whether or not you were a member yesterday, to me at least, there was a reasonable inference that maybe you were yesterday—granting there is no direct admission that you were a member of the Communist Party yesterday.

If you were not a member yesterday, when counsel asked you, why did you not say "yes" or "no," the same as you answered his question as to whether you were a member today? Is that not a fair question?

Mr. RICHTER (after conferring with counsel). Congressman Doyle, I have the greatest respect for your sincerity in the answering of this question. I know a little bit about your background. But, with all due respect to your intentions, if I open up the question here of past membership, I don't know where these questions are going to lead, not with respect only to membership but to activities of myself and other people.

Mr. DOYLE. I see.

Mr. RICHTER. That is my reason for neither affirming nor denying past membership.

Mr. DOYLE. Thank you.

The CHAIRMAN. Just a minute.

You did not either affirm or deny ; you denied.

Mr. RICHTER. Present membership, Congressman Walter.

The CHAIRMAN. Present membership, and then you declined to answer the question as to whether or not you were a Communist yesterday.

Mr. RICHTER. On past membership, Congressman.

The CHAIRMAN. On yesterday ?

Mr. RICHTER. Yes, that is correct, and the reason, if you are interested in knowing why—

The CHAIRMAN. I think I know why, and I am not interested in what you would say about it. I think I know why.

Go ahead, Mr. Doyle.

Mr. DOYLE. Because manifestly, under Public Law 601, it is our duty, if we can, to find out how individual members of the Communist Party operate either within the party or what they do when they get out of the party.

Now, with that statement by me, may I ask you :

What steps have you taken since yesterday to put yourself in a position so you could honestly, in view of your oath, say to us today you are not now a member of the Communist Party ?

In other words, what did you do to change your status with reference to the Communist Party between yesterday and today ?

(Witness confers with counsel.)

Mr. DOYLE. Now, may I explain, please ?

I think that is a fair question because under the law we are challenged with finding out how the Communist Party as a subversive organization operates within its membership and why you people who claim the fifth amendment as of yesterday, do not claim it as of today.

In other words, you are frankly telling us today you are not a member of the Communist Party. Now please tell us honestly, in view of your oath, what you did to change your status so that yesterday you claimed the privilege and stated why, and today you do not claim the privilege, but tell us frankly you are not a member.

Mr. RICHTER (after conferring with counsel). Congressman Doyle, in answer to the inference you raise in your question, I took no steps yesterday or during the night to make any change. I was answering the question as to present membership. I was not making any reference or inference as to yesterday or the day before.

Mr. DOYLE. You may not have deliberately made any inference in your own mind, but my impression is that any reasonable man would conclude that there was a time when you were a member of the Communist Party and that you changed your status.

Did you write in your resignation ? Did you telephone in your resignation ? What did you do ? What does a Communist Party member do, if you know ; let me put it that way.

Mr. RICHTER. Are you asking me that question ?

Mr. DOYLE. Do you have any knowledge as to what a Communist Party member does when he changes his status from being a Communist to a non-Communist ?

You are a non-Communist this morning. I am assuming that under your oath you are a non-Communist right now ; you have so stated.

I think in fairness to the United States Congress you should tell us what step, if any, you have taken to put yourself in the position of being a non-Communist.

(Witness confers with counsel.)

Mr. DOYLE. Or have you always been a non-Communist, even from 1943 to 1948?

Mr. RICHTER. I just decline to answer that question, Congressman, on the grounds of the fifth amendment.

Mr. DOYLE. Two more questions, please, Mr. Chairman.

Either you or counsel stated that you were doing lobbying work in the interests of legislation; is that correct?

Mr. RICHTER. Counsel may have stated that; I didn't.

Mr. DOYLE. All right, but you stated you were engaged in research work in Washington in the interest of legislation. Were you a registered lobbyist here?

Mr. RICHTER (after conferring with counsel). I decline to answer that question on the grounds of the fifth amendment.

Mr. DOYLE. Mr. Chairman, if this man was a registered lobbyist, having complied with the lobbying law, I do not see how that question could possibly incriminate him.

He should be required to answer; should he not?

The CHAIRMAN. Well, I do not think so, Mr. Doyle.

Mr. DOYLE. I was a few minutes late this morning and maybe counsel asked you this question. At the time you were interested in legislation here, in research work, did you use any name other than the name you have given counsel?

Mr. RICHTER. I decline to answer that on the grounds of the fifth amendment.

Mr. DOYLE. During your Government employment at the Department of Labor, did you attend any Communist cell caucuses or meetings in the Government building itself?

Mr. RICHTER. I decline to answer that on the grounds of the fifth amendment.

Mr. DOYLE. I think that is all, Mr. Chairman.

The CHAIRMAN. Any questions, Mr. Frazier?

Mr. FRAZIER. No questions.

The CHAIRMAN. Mr. Kearney?

Mr. KEARNEY. I would like to ask Mr. Richter this question:

If you had never been a member of the Communist Party, would you so state to this committee?

Mr. RICHTER (after conferring with counsel). I decline to answer that, Congressman.

Mr. KEARNEY. That is all.

The CHAIRMAN. There will be no further questions of the witness this morning. We will take a 5-minute recess at this time.

(A short recess was taken.)

The CHAIRMAN. The committee will be in order.

Mr. ARENS. Mr. Morris Levine.

Please remain standing and raise your right hand to take the oath.

The CHAIRMAN. Mr. Levine, do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEVINE. I do.

**TESTIMONY OF MORRIS LEVINE, ACCOMPANIED BY COUNSEL,
IRVING MEYERS**

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. LEVINE. My name is Morris Levine; I live in Chicago, Ill. I work in a typesetting establishment.

Mr. ARENS. Are you appearing today, Mr. Levine, in response to a subpoena served upon you by the House Committee on Un-American Activities.

Mr. LEVINE. Yes, sir.

Mr. ARENS. Are you represented by counsel?

Mr. LEVINE. Yes, sir.

Mr. ARENS. Will counsel please identify himself?

Mr. MEYERS. Irving Meyers, Chicago, Ill.

Mr. ARENS. Will counsel identify the law firm, please?

Mr. MEYERS. Meyers and Rothstein.

Mr. ARENS. Mr. Levine, have you been known by any name other than the name by which you were subpoenaed, Morris Levine?

Mr. LEVINE. No, sir.

Mr. ARENS. Where and when were you born?

Mr. LEVINE. Born in Duluth, Minnesota, 1908.

Mr. ARENS. Give us, if you please, sir, just a word about your educational background.

Mr. LEVINE. I attended public school and high school in Cleveland, Ohio, and subsequent to that at sporadic intervals I attended night school, some in Chicago and some in Washington. I don't have any degree.

Mr. ARENS. Now kindly give us, if you please, Mr. Levine, a brief thumbnail sketch of the chronology of the various employments which you have had since you reached adulthood.

Mr. LEVINE. I was employed by the Federal Government in various agencies for approximately 20 years, beginning in 1930.

Mr. ARENS. Let us begin then in 1930, if that is agreeable to you, and enumerate the agencies with which you were employed in the proper sequence.

Mr. LEVINE. I first worked for the Bureau of the Census.

Mr. ARENS. In what capacity?

Mr. LEVINE. As a clerk, statistical clerk.

Mr. ARENS. Give us your next employment.

Mr. LEVINE. The Department of Agriculture.

Mr. ARENS. When was that transition made?

Mr. LEVINE. I hope you will excuse the approximate nature of the dates; it is a long time ago.

Mr. ARENS. That is perfectly all right.

The CHAIRMAN. Just to the best of your recollection.

Mr. LEVINE. I believe it was in 1932 that I worked at the Department of Agriculture.

Mr. ARENS. And in what capacity?

Mr. LEVINE. As a clerk. That may have been for approximately 6 months, to the best of my recollection. Then my next employment was in the Bureau of Labor Statistics in the Department of Labor.

Mr. ARENS. That commenced about 1932, likewise, I take it?

Mr. LEVINE. No, that was in either 1933 or 1934.

Mr. ARENS. Kindly continue giving us the chronology here, Mr. Levine.

Mr. LEVINE. I was in the Department of Labor until it was either 1941 or 1942, when I transferred to the War Production Board.

Mr. ARENS. And in what capacity were you working there?

Mr. LEVINE. I was working as a statistician and economist.

Mr. ARENS. How long were you engaged there?

Mr. LEVINE. Until, I believe it was, the beginning of 1946 when I was employed by the Army in Tokyo.

Mr. ARENS. How long were you there?

Mr. LEVINE. I was there until 1950.

Mr. ARENS. From 1946 until 1950?

Mr. LEVINE. Yes, sir.

Mr. ARENS. In what capacity did you serve with the Army?

Mr. LEVINE. The same capacity, statistician and economist.

Mr. ARENS. As a civilian?

Mr. LEVINE. Yes, sir.

Mr. ARENS. Kindly proceed.

Mr. LEVINE. At that time I left the Government, and for the next 3 or 4 years I had no regular employment. I attempted various business ventures, most of which were unsuccessful.

Mr. ARENS. From '50 to '54, give us a word about the self-employment. What type of work was it?

Mr. LEVINE. Well, it was various. I had a certain amount of money I had saved from my Government employment and I was attempting various business ventures.

I tried a vending machine route for awhile, I invested in a dance studio.

Mr. ARENS. Where were your investments in these businesses?

Mr. LEVINE. Some in Washington, some in Chicago.

Mr. ARENS. Pick it up in 1954 then, if you please, sir.

Mr. LEVINE. That was until 1955.

Mr. ARENS. Until 1955?

Mr. LEVINE. Yes.

Pick it up there, if you please.

Mr. LEVINE. Recently I have gone to work in a typesetting establishment, and I am learning the trade.

Mr. ARENS. From 1950 you have not been employed in the Federal Government, is that correct?

Mr. LEVINE. That is correct; yes, sir.

Mr. ARENS. Could you kindly tell us the circumstances surrounding your employment with the Bureau of the Census in 1930?

Mr. LEVINE (after conferring with counsel). I don't understand your question, sir.

Mr. ARENS. How did you get your job in the Bureau of the Census?

Mr. LEVINE. I took a civil-service examination and passed it and was hired.

Mr. ARENS. Mr. Levine, are you now a member of the Communist Party?

Mr. LEVINE. No, sir; I am not.

Mr. ARENS. Have you ever been a member of the Communist Party?

Mr. LEVINE (after conferring with counsel). On the question of past associations, sir, I would invoke the immunity granted me by the fifth amendment, that I cannot be compelled to testify against myself.

Mr. ARENS. Mr. Levine, were you a member of the Communist Party, say, a year ago?

Mr. LEVINE. I think my previous answer covers that. I would answer that on the grounds of any past association.

Mr. ARENS. Well, were you a member of the Communist Party yesterday?

Mr. LEVINE. I think my answer covers.

The CHAIRMAN. Do you decline to answer?

Mr. LEVINE. Yes, sir; I decline to answer on the grounds of the fifth amendment.

Mr. ARENS. Were you a member of the Communist Party at any time during the period of your employment in the United States Government?

Mr. LEVINE. I decline to answer that under the immunity granted me by the fifth amendment.

The CHAIRMAN. Were you a member of the Communist Party while you were employed by the War Department in Tokyo?

Mr. LEVINE. I decline to answer that on the grounds of the immunity granted me by the fifth amendment that I cannot be compelled to testify against myself.

Mr. ARENS. In these various sequences here, were you a member of the Communist Party while you were in the Bureau of the Census?

Mr. LEVINE. My previous answer covers that, sir. I answered that on the ground—

Mr. ARENS. Was your employment or transfer in any of the agencies in the Federal Government concerning which you heretofore testified, effected directly or indirectly by any person known by you to have been a member of the Communist Party?

Mr. LEVINE. I decline to answer that, sir, on the grounds of the privilege granted me by the fifth amendment.

Mr. ARENS. In other words, if you told this committee the facts and circumstances respecting participation by any person in the Communist conspiracy in your transfer from one agency to another, you would be supplying information which could be used against you in a criminal proceeding; is that correct?

Mr. LEVINE (after conferring with counsel). I am apprehensive, sir, that this line of questioning might lead to something—

Mr. ARENS. I am only asking you the status of your feelings.

The courts have repeatedly said that the status of a man's mind is as much a fact as the status of his indigestion. I am asking you now:

Do you feel if you were to tell this committee any answer with reference to any associations or activities you may have had with persons in the Communist apparatus that you would be supplying information which could be used against you in a criminal proceeding?

Mr. LEVINE. I fear my answer to that might place me in such jeopardy.

Mr. ARENS. While you were in the Bureau of Labor Statistics, did you know Irving Kaplan?

Mr. LEVINE (after conferring with counsel). I have no recollection of such a person at the Bureau of Labor Statistics.

Mr. ARENS. Did you know him at the War Production Board?

Mr. LEVINE (after conferring with counsel). I decline to answer that on the grounds of the privilege granted me by the fifth amendment.

Mr. ARENS. Was Irving Kaplan in any way instrumental in your transfer from the Labor Department to the War Production Board?

Mr. LEVINE (after conferring with counsel). I decline to answer that under the privilege of the fifth amendment.

Mr. ARENS. Did you at one time conduct a survey for the Advisory Commission to the Council of National Defense?

Mr. LEVINE (after conferring with counsel). I worked in a number of surveys, sir, for the defense agencies. I don't know just that one.

Mr. ARENS. Did you supervise a study of 11 defense industries in this Nation?

Mr. LEVINE. I worked on a survey, sir.

Mr. ARENS. Did you supervise it?

Mr. LEVINE. I had people under me, but I also had people over me.

Mr. ARENS. I lay before you now a photostatic copy of a document which is headed "Description of Duties, July 1940 to May 1942," and ask you if that document is a true and correct reproduction of language which you formulated in giving a description of your own personal history?

Mr. MEYERS. May I examine that, Mr. Counsel?

The CHAIRMAN. Surely.

Mr. ARENS. Incidentally, the only parts of that document I am presently exhibiting to the witness and the counsel are the first two pages. The other is material that I am holding back for the moment.

Mr. MEYERS. Since I have no way of determining what portion of the document he may be bound to, I can't very well advise him, Mr. Counsel. Just these two pages?

Would they be so identified in the record so there can be no mistake?

Mr. ARENS. The entire document can go in. It is an application for a position. I was uncertain for the moment as to what was in the first part.

Mr. MEYERS. We have to examine the whole thing, Mr. Counsel.

Mr. LEVINE (after conferring with counsel). Would you ask your question again, please?

Mr. ARENS. Would the reporter kindly read it?

(The pending question was read by the reporter.)

Mr. LEVINE. Well, sir, that appears to be my signature on there. That was a long time ago. I have no recollection of the exact words.

The CHAIRMAN. Did you examine it?

Mr. LEVINE. Yes, sir.

The CHAIRMAN. Do you recognize it as a result of the examination?

Mr. LEVINE. I don't recognize it specifically, sir. That was in 1942.

Mr. ARENS. May I, Mr. Chairman, read some language from this document and see if it refreshes the recollection of the witness?

The CHAIRMAN. Yes.

Mr. ARENS. I will omit the first part of it.

This is an excerpt from the previously mentioned document, "Description of Duties, July 1940 to May 1942":

To make special studies and surveys as required. For example, in December 1940, I supervised a survey of operations of 11 defense industries in order to determine the extent of the "weekend blackout." The survey was made at the request of the Advisory Commission to the Council of National Defense. The survey involved the following duties on my part:

Drafting of form letters and questionnaire, selection of sample of manufacturing plants, laying out of forms for tabulating data, conducting correspondence with reporting establishments, preparation of confidential transcripts of individual plant reports for Office of Production Management, preparation of press releases and article for monthly labor review summarizing findings.

Did you prepare this language which I have just read?

Mr. LEVINE (after conferring with counsel). I don't remember the language specifically, sir, but I wouldn't deny it.

Mr. ARENS. Are the facts recited in the language which I have read to you true and correct?

Mr. LEVINE (after conferring with counsel). I assume that it's correct, sir.

Mr. ARENS. We do not want your assumption.

On the basis of your best recollection, did you perform the activities which I have recounted in the recitation of this language?

Mr. LEVINE (after conferring with counsel). To the best of my recollection, that is a correct statement, sir.

The CHAIRMAN. At the time that you wrote that, were you a member of the Communist Party?

Mr. LEVINE. I decline to answer that on the grounds of privilege of the fifth amendment.

Mr. ARENS. At the time you engaged in the activities recited here in this document, were you a member of the Communist conspiracy?

Mr. LEVINE. I decline to answer that, sir, on the same grounds.

Mr. ARENS. Alluding to another paragraph in this document, and you will appreciate that I am skipping some of the preliminary language in which you are describing certain of your activities; may I read, Mr. Chairman?

To plan and direct the activities of three units composed of approximately 100 employees ranging in grade from P-2 to CAF-2 and engaged in: (a) The collection by questionnaire form of data for the War Production Board on the extent of current utilization of war production facilities; (b) the presentation of data thus obtained in proper tabular form; (c) the analysis of war plant operations and industrial differences in such operations; and (d) the preparation of regular and special reports presenting findings, analyses, and apparent trends in war production as a basis for administrative action by the War Production Board, and frequently for publication;

Did you prepare the language which I have just read?

Mr. LEVINE. I would answer the same as previously, sir. I don't remember the specific language but I would not—it sounds like what I may have said at the time.

Mr. ARENS. Did you engage in the activities which are described here in the language which I just read?

Mr. LEVINE. Approximately, yes.

Mr. ARENS. Is this a true and correct presentation of the facts, the language which I have just read?

Mr. LEVINE. Making allowance for the fact that that was stated some 15 years ago.

Mr. ARENS. Did you in the course of these surveys have access to confidential information respecting the war potential and war facilities of this Nation?

Mr. LEVINE (after conferring with counsel). Well, sir, I think you should qualify your question with an explanation of what the word "confidential" denoted at that time.

Mr. ARENS. Use your own description and characterization.

What was the nature of the information to which you had access in the course of your supervision of this survey or these surveys?

Mr. LEVINE. The information I had access to was statistical reports from industrial establishments.

The CHAIRMAN. In other words, you knew exactly what our defense potential was at that moment, did you not?

Mr. LEVINE. No, sir.

The CHAIRMAN. You had access to the figures that would give someone an opportunity to draw a conclusion, did you not?

Mr. LEVINE. I don't understand, sir, what you mean by defense potential. I know that—

The CHAIRMAN. Well, let us say that you knew that Bethlehem Steel Co. could produce X number of guns for our battleships, did you not?

Mr. LEVINE. No, sir; I did not know that.

The CHAIRMAN. Did you not know what the capacity of each of the plants in America was with respect to defense material?

Mr. LEVINE. Sir, I think if you want to delve into what I know, you should have a copy of this questionnaire that we worked with. It didn't have that kind of information.

The CHAIRMAN. I just want to know what you had access to.

(Witness confers with counsel.)

Mr. ARENS. Did you at any time make available to any person in the Communist conspiracy information which you acquired pursuant to the surveys which we have been discussing here?

Mr. LEVINE (after conferring with counsel). I decline to answer that question, sir, on the grounds of the privilege granted me by the fifth amendment.

Mr. ARENS. In other words, are you testifying here under oath before this Committee on Un-American Activities that if you told the truth respecting the transmission by you of information on our defense facilities of this Nation, you would be supplying information which could be used against you in a criminal proceeding?

Mr. LEVINE (after conferring with counsel). I decline to answer that on the grounds of the immunity granted me by the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer this question immediately preceding my present observation.

The CHAIRMAN. You are directed to answer the question.

Mr. LEVINE. Would you repeat the question?

Mr. ARENS. Would the reporter read it?

(The pending question was read by the reporter.)

Mr. LEVINE (after conferring with counsel). I fear that an answer to this question might conceivably place me in jeopardy and therefore I decline to answer on the grounds of the fifth amendment.

Mr. ARENS. Before we leave the War Production Board, will you tell this committee the names of any of its employees when you were employed there who, to your certain knowledge, were members of the Communist conspiracy?

Mr. LEVINE (after conferring with counsel). I decline to answer that on the grounds of immunity granted me by the fifth amendment.

Mr. ARENS. How did you happen to leave the War Production Board?

Mr. LEVINE (after conferring with counsel). I was offered a job with the Army.

Mr. ARENS. Who offered the job to you?

Mr. LEVINE (after conferring with counsel). I went to the civilian personnel office of the Army and applied for it.

Mr. ARENS. Was your employment by the Army in 1946 facilitated, promoted, caused directly or indirectly by any person known by you to have been a member of the Communist Party?

Mr. LEVINE. I decline to answer that on the grounds of the fifth amendment.

Mr. ARENS. In other words, is it a fact that if you would tell this committee who was instrumental in causing your assignment from the War Production Board to the United States Army in 1946, you would be supplying information which could be used against you in a criminal prosecution?

Mr. LEVINE (after conferring with counsel). I fear that such an answer might place me in jeopardy, and therefore I would decline to answer on the grounds of the fifth amendment.

Mr. ARENS. Now give us a job description of your activities in Tokyo when you were there with the Army. What did you do?

Mr. LEVINE. Would you repeat it?

Mr. ARENS. What did you do in the Army in 1946? What were your duties, your assignments?

Mr. LEVINE. I was assigned to a research and statistics unit there.

Mr. ARENS. Where?

Mr. LEVINE. In Tokyo.

Mr. ARENS. How long after you became employed with the Army did you go to Tokyo?

Mr. LEVINE. I don't recall, sir. It was a matter of days or weeks.

Mr. ARENS. Relatively short time, was it not?

Mr. LEVINE. Yes.

Mr. ARENS. Was your transfer or assignment to Tokyo within the Army itself caused or promoted in any respect directly or indirectly by a person known by you to have been in the Communist conspiracy?

Mr. LEVINE. I decline to answer that on the grounds of the fifth amendment.

Mr. ARENS. In other words, if you told this committee the truth with respect to the activities of some person known by you to have been a member of the Communist conspiracy with reference to your assignment to Tokyo, you would be supplying information which could be used against you in a criminal prosecution; is that correct?

Mr. LEVINE (after conferring with counsel). I fear that such an answer might place me in jeopardy, sirs, and I refuse to answer on grounds of the fifth amendment.

Mr. ARENS. While you were in Tokyo, did you have contact directly or indirectly with Burgess or McLean?

Mr. MEYERS. Would you identify them?

Mr. ARENS. Communist espionage agents.

Mr. LEVINE (after conferring with counsel). Were they assigned to the office—

Mr. ARENS. If you are asking me, they were employed by the Soviet conspiracy, international conspiracy, identified as a facade in the British Embassy.

(Witness confers with counsel.)

Mr. MEYERS. May I ask if they worked in Tokyo when he was there?

The CHAIRMAN. He has asked a very simple question.

Mr. MEYERS. Those are common names, Burgess and McLean.

Mr. ARENS. Did you while you were in Tokyo know men, one whose last name was Burgess and another man whose name was McLean?

Mr. MEYERS. What are their first names?

Mr. ARENS. Did you know persons by those names?

Mr. LEVINE (after conferring with counsel). I have no recollection of them at that time.

Mr. ARENS. Let us try the full name. Guy Burgess. Did you ever have any contact with him?

Mr. LEVINE. I have no recollection of ever hearing of or seeing anybody by that name.

Mr. ARENS. Donald McLean?

Mr. LEVINE. Same answer.

Mr. ARENS. Whose staff were you on in Tokyo?

Mr. LEVINE. In General Headquarters, Tokyo, General MacArthur.

Mr. ARENS. Who was your immediate superior?

Mr. LEVINE (after conferring with counsel). My superior was a man named Kenneth Morrow.

Mr. ARENS. Would you spell that last name?

Mr. LEVINE. M-o-r-r-o-w.

Mr. ARENS. Would you give us again more specific detail on the assignments which you had in Tokyo? I am talking now of the professional assignments and not any extracurricular assignments.

Mr. LEVINE. My work in Tokyo was principally concerned with domestic prices of goods in Japan.

For example, we were working up a method for having sort of a cost-of-living index so that the changes in prices could be measured.

Mr. ARENS. Did you have access to any confidential or restricted information either at headquarters or elsewhere in the course of your work.

Mr. LEVINE (after conferring with counsel). Not to my recollection, sir.

Mr. ARENS. Did you know anyone in the headquarters who, to your certain knowledge, was a member of the Communist conspiracy?

Mr. LEVINE. I decline to answer that on the grounds of the fifth amendment.

Mr. ARENS. Did you in the course of your employment in a civilian capacity with the United States Government in Tokyo, the Army, transmit any information of any character whatsoever to a person known by you to be a member of the Communist conspiracy?

Mr. LEVINE (after conferring with counsel). I decline to answer that on the grounds of the fifth amendment.

Mr. ARENS. Did you transmit any information to any person unauthorized to receive the same, which information you acquired in the course of your employment in the headquarters of the United States Army in Tokyo?

Mr. LEVINE (after conferring with counsel). I decline to answer that, sir, on the grounds of the fifth amendment.

Mr. ARENS. In other words, are you now testifying under oath that if you would tell this committee truthfully whether or not you transmitted information acquired by you in the course of your employment

at supreme headquarters of the Army in Tokyo, you would be supplying information which might be used against you in a criminal proceeding?

Mr. LEVINE. I fear that such an answer might conceivably place me in jeopardy if I answered, and I decline on the grounds of the fifth amendment.

Mr. ARENS. What caused your disassociation from the Army in Tokyo?

Mr. LEVINE (after conferring with counsel). I was discharged.

The CHAIRMAN. You were discharged; is that the answer?

Mr. LEVINE. Yes, sir.

Mr. ARENS. Your disassociation was in 1950?

Mr. LEVINE. Yes, sir.

Mr. ARENS. Was that a voluntary disassociation or involuntary? I do not believe the record is clear on that.

Mr. LEVINE. I was discharged.

Mr. ARENS. Was that at your application or was it at the request of the Government?

Mr. LEVINE. I think the word "discharged" is self-explanatory, sir, isn't it?

Mr. ARENS. Well, as I understand it, there are various kinds of discharges. There are honorable discharges, dishonorable discharges,—excuse me, you were a civilian employee, were you not?

Mr. LEVINE. That is correct.

Mr. ARENS. Was your disassociation from the Army precipitated by a conclusion reached by your superiors bearing on your loyalty?

Mr. LEVINE (after conferring with counsel). Sir, are you asking me what was in the minds of my superiors?

Mr. ARENS. No, I am only asking you simply whether or not you were discharged as a security risk?

Mr. LEVINE. I decline to answer that on the grounds of the fifth amendment.

Mr. ARENS. Were you discharged under Public Law 808 of the 77th Congress?

Mr. LEVINE. I decline to answer that on the grounds of the fifth amendment.

Mr. ARENS. Did you have any type of a loyalty hearing while you were with the Army?

Mr. LEVINE (after conferring with counsel). Sir, that is a matter of record probably, as you well know.

Mr. ARENS. Do you have knowledge as to whether or not you were discharged as a security risk?

Mr. LEVINE (after conferring with counsel). I decline to answer that on the grounds of the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question. He already said it is a matter of record.

The CHAIRMAN. Yes, it is a matter of public record.

I direct you to answer that question.

Mr. MEYERS. May I have a point of clarification so that I can apprise and counsel my client properly as to the meaning of that question?

Mr. ARENS. I would suggest the question speaks for itself.

Mr. MEYERS. It's not clear to me.

Mr. ARENS. He has already given his answer.

Mr. MEYERS. You are asking for a direction.

The CHAIRMAN. He declined to answer.

Mr. MEYERS. You have directed him, I understand.

The CHAIRMAN. That is right. I direct him to answer the question.

Mr. MEYERS. Which means he is given another opportunity to answer the question, as I understand it; is that correct?

The CHAIRMAN. That is correct.

Mr. MEYERS. I would like to hear the question and its clarification, if you will.

Mr. ARENS. If the reporter will read it, please.

(The pending question was read by the reporter.)

Mr. MEYERS. Is that the question he is directed to answer?

The CHAIRMAN. That is it.

Mr. LEVINE (after conferring with counsel). Sir, inasmuch as this information is a matter of record and available to the committee, I am apprehensive as to the reason it is asked, and therefore I fear that my answer to it might conceivably place me in some jeopardy, and I therefore would like to avail myself of the immunity of the fifth amendment in not answering.

Mr. ARENS. I believe the record is clear that the chairman has ordered him to answer the question.

While you were in Tokyo did you associate yourself with any organizations there?

Mr. LEVINE (after conferring with counsel). To my recollection, sir, the only affiliation I had in Tokyo——

(Counsel confers with witness.)

The CHAIRMAN. Do not interrupt the witness; he has not sought your counsel. He is answering a question.

Mr. MEYERS. My witness has instructed me before the hearing.

The CHAIRMAN. He was not seeking your advice. He was answering the question and you interrupted.

Mr. MEYERS. My witness, prior to this hearing, instructed me to interrupt him at will.

The CHAIRMAN. Proceed with the answer.

Mr. LEVINE. May we start over and will you please ask the question again?

Mr. ARENS. Mr. Reporter, will you read the question to him, please?

(The pending question was read by the reporter.)

Mr. LEVINE (after conferring with counsel). May I consult with my counsel on this?

The CHAIRMAN. Certainly.

Mr. LEVINE (after conferring with counsel). I belonged to a club there which was organized for social and recreational purposes.

Mr. ARENS. Was there any other organization with which you associated yourself while you were in Tokyo other than this little club?

Mr. LEVINE (after conferring with counsel). I find the question is rather broad and general and I fear that a positive response to it might place me in some conceivable jeopardy, and therefore I decline to answer.

The CHAIRMAN. You experienced no difficulty in answering the question about this innocent little social club and it certainly seems to me you ought to be able to remember any other organizations.

Mr. LEVINE. Well, sir, I was there for 4½ years and "organization" is rather a loose term.

Mr. ARENS. Were you a member of any organization while you were in Tokyo which, if you told this committee about it, you might be supplying information which might be used against you in a criminal proceeding?

Mr. LEVINE (after conferring with counsel). I am apprehensive as to where this question might lead to and that I might possibly be placing myself in jeopardy, and therefore I decline to answer.

Mr. ARENS. Were you a member of the Communist Party while you were in Tokyo?

Mr. LEVINE. I answered that question previously, sir, on the grounds of covering my past affiliation.

The CHAIRMAN. Let us have an answer to this specific question.

Mr. LEVINE (after conferring with counsel). I decline to answer on the grounds of the immunity granted me by the fifth amendment.

Mr. KEARNEY. Might I ask a question?

The CHAIRMAN. Certainly.

Mr. KEARNEY. While in Japan working for the United States Government, were you at any time engaged in subversive activities?

Mr. LEVINE (after conferring with counsel). I decline to answer that question, sir, on the grounds of the fifth amendment.

The CHAIRMAN. Were you serving on General MacArthur's staff in any capacity whatsoever?

Mr. LEVINE. Well, sir, I was employed in the headquarters there.

The CHAIRMAN. You were, were you not?

Mr. LEVINE. Along with about 5,000 other people.

The CHAIRMAN. I asked that question because of conferences I had with the general, and also as a result of information I received on my recent visit to Tokyo, where I was shocked to find that while we were trying to set up in Japan and assist the Japanese, there were elements in our own forces who were attempting to sabotage that movement.

Proceed, Mr. Arens.

Mr. ARENS. Were you required to and did you take an oath of loyalty as a prerequisite to your employment in a civilian capacity with the Army in Tokyo?

Mr. LEVINE (after conferring with counsel). I have no recollection, sir.

The CHAIRMAN. This would be a good time to recess.

We will recess until 2 o'clock.

Mr. MYERS. Are we excused?

The CHAIRMAN. We will just recess until 2 o'clock.

(Whereupon, at 12:10 p. m., the subcommittee recessed, to reconvene at 2 p. m. of the same day.)

AFTERNOON SESSION—WEDNESDAY, FEBRUARY 15, 1956

(The following members of the committee were present: Representatives Walter (presiding) Doyle, Frazier, Willis, and Kearney.)

The CHAIRMAN. The committee will be in order.

Mr. ARENS. Mr. Levine, will you kindly resume the stand?

TESTIMONY OF MORRIS LEVINE, ACCOMPANIED BY COUNSEL,
IRVING MEYERS—Resumed

Mr. ARENS. Mr. Levine, during the course of your employment as a civilian in the United States Army Headquarters at Tokyo, did you have any contact with the consulates and embassies of foreign governments in Tokyo?

(The witness conferred with his counsel.)

Mr. LEVINE. I feel that the answer to that question might possibly lead to something which would place me in jeopardy, and I therefore would decline to answer on the grounds of the fifth amendment.

Mr. ARENS. Did you have any contact with any persons who were known by you to be in the employ of a foreign government?

(The witness conferred with his counsel.)

Mr. LEVINE. Do you include the Japanese Government in that question?

Mr. ARENS. Other than the Japanese Government.

(The witness conferred with his counsel.)

Mr. LEVINE. I fear that the answer to that might lead to place me in jeopardy and I decline to answer it on the grounds of the fifth amendment.

Mr. ARENS. While you were in Tokyo, did you have contact with any persons who were known by you to be in the employ of the Soviet Union or in the employ of one of the Iron Curtain governments?

Mr. LEVINE. On the same grounds, sir; I decline to answer that, fifth amendment.

Mr. ARENS. While you were in Tokyo, did you have any contact with any person who was known by you at the time to be part of an espionage apparatus of the international Communist conspiracy?

(The witness conferred with his counsel.)

Mr. LEVINE. I am fearful that answering that question might lead to a situation which would place me in jeopardy and I decline to answer it on the ground of the fifth amendment.

Mr. ARENS. Do you fear that a truthful answer to that question, if given by you, as to whether or not you had contact with a member of the international Soviet Communist conspiracy, would furnish information which could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. LEVINE. I understand, sir, on advice of my counsel, that I am not required to give the reasons why I claim the privilege of immunity granted me by the fifth amendment.

Mr. ARENS. I am not asking you for the reasons. I am only asking you for the status of your apprehension, the status of your mind. Do you honestly feel if you gave a truthful answer to that question as to whether or not you were in association or contact with known Russian Soviet Communist espionage agents, that the information which you would give could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. LEVINE. I am apprehensive that this line of questioning might lead to an answer which might conceivably place me in jeopardy and therefore I claim the immunity of the fifth amendment.

Mr. ARENS. Did you, while you were in the employ of the United States Army at the Supreme Headquarters in Tokyo, transmit to any person information which came to you in the course of your employment who was not entitled to receive the same?

(The witness conferred with his counsel.)

Mr. LEVINE. I fear, sir, that answering that question might conceivably place me in jeopardy and I decline to answer it on the grounds of the fifth amendment.

Mr. ARENS. Were you at any time in contact with a person whose name—and I shall spell it so there will be no possible misunderstanding as to who he is—whose first name is Y-u-r-i, Yuri, and his last name Rastvorov, R-a-s-t-v-o-r-o-v, who has been identified as a Soviet spy and who was in Tokyo from 1950 until 1954?

(The witness conferred with his counsel.)

Mr. LEVINE. I would like to state that I am apprehensive as to what is behind this line of questioning, that I am fearful that a truthful answer to the question might conceivably involve me in some jeopardy that I am not now conscious of. I would have to make the same answer if you asked me about any known Communist. I would therefore claim the privilege of the fifth amendment and decline to answer.

Mr. ARENS. You have stated, under oath before this committee, that you are not now a member of the Communist Party. That is correct, is it not?

(The witness conferred with his counsel.)

Mr. LEVINE. No, sir.

Mr. ARENS. You are not now under Communist discipline. Were you under Communist discipline when you were in Tokyo?

Mr. LEVINE. I will answer that the same as I answered the question when you asked me about past Communist affiliation, that I would invoke the privilege of the fifth amendment.

The CHAIRMAN. In other words, you decline to answer and invoke the fifth amendment?

Mr. LEVINE. Yes, sir.

Mr. ARENS. It is public, common knowledge that certain of the military and political secrets of the United States Government did leak into the hands of the Soviet Union. You know that from public knowledge in the press, do you not?

(The witness conferred with his counsel.)

Mr. LEVINE. I don't know specifically what you have reference to, sir, but I have read such things in the newspapers.

Mr. ARENS. Can you on the basis of your background and experience give to this committee of the Congress, representing the people of this Nation, any information in your possession respecting the transmission of any secrets of your Government to the Soviet Union?

(The witness conferred with his counsel.)

Mr. LEVINE. Would you please repeat the question?

The CHAIRMAN. Read it, please.

(Question read.)

Mr. LEVINE. No, sir; I know of no such information.

Mr. ARENS. Did you at any time transmit any information which came into your possession to any person in the International Soviet apparatus?

Mr. LEVINE. I am apprehensive that a truthful answer to that question might conceivably lead me into some jeopardy, and therefore I would decline to answer it on the grounds of the immunity granted me by the fifth amendment not to testify against myself.

Mr. ARENS. You know of course that such conduct would be a betrayal of the deepest trust a person could be possessed of, do you not?

Mr. LEVINE. Are you asking me for my personal opinion?

Mr. ARENS. Yes, sir.

(The witness conferred with his counsel.)

Mr. LEVINE. I think that is a true statement.

Mr. ARENS. Have you in the course of your career in the Federal Service, and specifically when you were in Tokyo, participated in a movement dedicated to the destruction of this Nation?

(The witness conferred with his counsel.)

Mr. LEVINE. I am generally apprehensive of this line of questioning, sir, and I am afraid that a truthful answer to it might place me in some jeopardy that I am not presently aware of, and I must therefore decline to answer it on the grounds of the fifth amendment.

Mr. ARENS. Mr. Levine, on this public record in the course of the last day or so we have had a witness testify he had been a member of the Communist Party, but that the Communist Party did not issue Communist Party cards to persons who were employed in the Federal Government. With that background, I ask you whether or not you have ever been in possession of a Communist Party card.

Mr. LEVINE. I decline to answer that question, sir, on the grounds of the immunity granted me by the fifth amendment.

Mr. ARENS. Were you in possession of a Communist Party card while you were employed in the Federal Government?

Mr. LEVINE. I would answer that on the same grounds.

Mr. ARENS. While you were in the Labor Department did you know a person by the name of Bertha Blair?

(The witness conferred with his counsel.)

Mr. LEVINE. I decline to answer that on the grounds of the fifth amendment.

Mr. ARENS. Did you testify before this committee in executive session in Chicago on December 15, 1955?

(The witness conferred with his counsel.)

Mr. LEVINE. Yes, as is well known to you by the record.

Mr. ARENS. In that executive session record you were queried with respect to your attitude if the committee should see fit to take a course leading toward immunity for yourself from criminal prosecution if you would supply information to the committee. That is correct, is it not?

Mr. LEVINE. Yes, sir; that is correct.

Mr. ARENS. Have you concluded in your own mind whether or not, assuming only for the sake of this question that the committee would take steps to provide you with immunity, whether or not you would accept such immunity and lay before this committee of the Congress information in your possession respecting the Communist conspiracy?

(The witness conferred with his counsel.)

Mr. LEVINE. As I stated to the committee in Chicago, sir, if such a situation should arise and if the immunity law is upheld in the

courts and if the committee does offer it to me, I would consult with counsel at that time and decide what would be the proper course of action.

Mr. ARENS. Just so this record is absolutely clear, assuming only for the sake of this question that you could be granted immunity from criminal prosecution, would you then recount to this committee all the facts and circumstances to the best of your recollection bearing on the security matters within the purview of the jurisdiction of this committee?

(The witness conferred with his counsel.)

Mr. LEVINE. I would answer that, sir, the same as I answered the previous question, that in the light of such a situation I would obtain legal advice and do what I felt I was obliged to do.

Mr. ARENS. Mr. Chairman, there are no further questions by the staff.

The CHAIRMAN. Why do you feel you have to have the advice of counsel?

Mr. LEVINE. I am not a lawyer and there are many legal technicalities that I do not understand. I would not do anything without the advice of counsel.

The CHAIRMAN. If you are granted immunity that means you can't be prosecuted and, after all, that is the only reason you have counsel.

Mr. LEVINE. If counsel so advises me I would do it, but I would certainly consult with counsel first.

The CHAIRMAN. Any questions?

Mr. DOYLE. Yes, one or two.

Mr. Witness, back in 1941 you worked for the War Production Board, I believe. Is that correct?

Mr. LEVINE. I wouldn't say whether it was 1941 or 1942.

Mr. DOYLE. Well, back in 1941 or 1942 you were a Government employee in a very important agency. During your Government employment with the War Production Board did you attend Communist cell meetings? That was a good many years ago. You were a much younger man then.

Mr. LEVINE. That is true.

Mr. DOYLE. You didn't know as much then as you do now?

Mr. LEVINE. That is true of all of us.

Mr. DOYLE. What is the fact, whether or not you were a participant in Communist cell meetings back in 1941 and 1942?

Mr. LEVINE. Sir, in order to avoid placing myself in possible future jeopardy, I would have to answer that question the same as I answered any question on past Communist affiliation. I would decline to answer it on the grounds of the immunity offered me by the fifth amendment not to testify against myself.

Mr. DOYLE. It is a fact, is it not, that right in Government property and in Government buildings in 1941 and 1942 you attended meetings of a Communist cell of which you were a member? The cell held meetings in the Government buildings, isn't that true?

Mr. LEVINE. It seems to me, sir, you are asking me the same question over again. I would have to answer it the same way.

Mr. DOYLE. What is the fact with reference to your employment with the Government, in the Army, in 1946, as to whether or not you

were attending Communist cell meetings right in Government buildings with other Communists. Were you or were you not?

Mr. LEVINE. As I stated before, sir, on the question of any past affiliation, I answered before that I would claim the fifth amendment giving me immunity not to testify against myself.

Mr. DOYLE. One more question: You testified that you were not a Communist today, that you are not subject to Communist Party discipline now. What steps prior to today, previous to today, did you take to disassociate yourself from Communist Party control or discipline before you came into this witness room? What did you do? Did you send them a written communication or did you phone them that you were out of the party, or what? How did you get out of the Communist Party? That would interest us.

(The witness conferred with his counsel.)

Mr. LEVINE. I dislike being repetitious, but it seems to me that you are asking me the same question in different forms. On the question of any past affiliation I fear that by answering I would place myself in jeopardy and I therefore must claim the privilege of the fifth amendment.

Mr. DOYLE. One more question which I think is not repetitious at all in view of the fact that you are under oath and you have testified you are not now a Communist and not now under Communist Party discipline. Have you left the door open in any way so that after you are through testifying before this committee you can again go back into the Communist Party? That is not past affiliation. That is future.

(The witness conferred with his counsel.)

Mr. LEVINE. I think I can truthfully answer "No" to that question.

Mr. DOYLE. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Frazier, any questions?

Mr. FRAZIER. No questions.

The CHAIRMAN. Mr. Willis?

Mr. WILLIS. No questions.

The CHAIRMAN. General Kearney?

Mr. KEARNEY. I would like to make this observation, Mr. Chairman. I noticed all through his testimony there was a constant smile or smirk on the witness' face. Do you consider this in the manner of a laughable appearance of you on the stand here?

Mr. LEVINE. Sir, if you had suffered the consequences that I have in the last few years you wouldn't consider it a laughing matter.

Mr. KEARNEY. Is that any fault of the committee?

Mr. LEVINE. I don't know.

Mr. KEARNEY. There was an observation made here some time ago that back in the forties you were just a boy. You were a boy 38 years of age, were you not?

Mr. LEVINE. I made no such comment that I was a boy.

Mr. KEARNEY. I think Mr. Doyle made the observation that you were just a boy. At that time you were 38 years of age, were you not?

Mr. LEVINE. I was 38 at one time, yes.

Mr. KEARNEY. That is all.

The CHAIRMAN. No further questions.

Do you have another witness?

Mr. LEVINE. Am I excused?

The CHAIRMAN. The witness is excused.

Mr. ARENS. Either Miss or Mrs. Bertha Blair.

Kindly remain standing and raise your right hand to be sworn.

The CHAIRMAN. Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth?

Miss BLAIR. I do.

**TESTIMONY OF MISS BERTHA BLAIR, ACCOMPANIED BY COUNSEL,
LEONARD HAYES**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Miss BLAIR. My name is Bertha Blair, Miss Bertha Blair, and I live in New York City at 74 Irving Place. I am doing clerical, statistical work at the present time.

Mr. ARENS. For what agency or organization?

Miss BLAIR. I work for the National Council of Churches.

Mr. ARENS. Who is your immediate superior?

Miss BLAIR. Mr. Whitman is my superior.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you?

Miss BLAIR. Yes; I am.

Mr. ARENS. Are you represented by counsel?

Miss BLAIR. Yes; I am.

Mr. ARENS. Will counsel kindly identify himself.

Mr. HAYES. My name is Leonard Hayes, of Washington, D. C., and I am a member of the firm of Cobb, Howard & Hayes, of Washington.

Mr. ARENS. Miss Blair, are you now or have you ever been a member of the Communist Party?

Miss BLAIR. I decline to answer that question on the ground of possible self-incrimination.

Mr. ARENS. Are you now a member of the Communist Party?

Miss BLAIR. I decline to answer the question on the ground of possible self-incrimination.

Mr. ARENS. Would you kindly give us a word of your personal background, where you were born, when, if that isn't too embarrassing to a lady.

Miss BLAIR. I don't mind.

Mr. ARENS. And also your educational background.

Miss BLAIR. I was born in Duluth, Minnesota, in 1896, July 5. I finished high school in Duluth and went 4 years to college in St. Paul, Minn., Presbyterian College. I did 2 years of graduate work at Bryn Mawr College in Pennsylvania.

Mr. ARENS. When did you finish your education in Pennsylvania?

Miss BLAIR. In 1929.

Mr. ARENS. Give us briefly, in thumbnail sketch form, if you please, the employments which you have had since you completed your formal education.

Miss BLAIR. When I got out of college I taught school for a year.

Mr. ARENS. Where was that?

Miss BLAIR. That was in Duluth.

Mr. ARENS. About what year was that?

Miss BLAIR. I graduated in 1919. It was the next year.

Mr. ARENS. That would be about 1920, then.

Miss BLAIR. Right.

Mr. ARENS. All right, kindly proceed in the same pattern.

Miss BLAIR. I taught school 1 year and then after that I did YWCA work in Kalamazoo, Mich., for 3 years.

Mr. ARENS. About 1921 to about 1924, something like that?

Miss BLAIR. Something like that. I don't remember exactly.

Mr. ARENS. Just your best recollection. That was YWCA work?

Miss BLAIR. Yes.

Mr. ARENS. And the city, please?

Miss BLAIR. Kalamazoo, Mich.

Mr. ARENS. Let us go on with the chronology. We will come back and talk about it later on.

Miss BLAIR. Then I left that and went back. My mother wasn't well and I went back to Duluth, and meantime I took a business course and did a little bit of business work in a doctor's office.

Mr. ARENS. Where was that?

Miss BLAIR. In Duluth.

Then after that I took another YWCA job in Duluth.

Mr. ARENS. Was that about 1923-26?

Miss BLAIR. Something like that, that is right. Then after that job I went to Bryn Mawr College in 1927 to 1929.

Mr. ARENS. Did you go there for graduate work?

Miss BLAIR. That is right.

Mr. ARENS. Where is Bryn Mawr College located?

Miss BLAIR. Bryn Mawr, Pa.

Mr. ARENS. Now let us pick up the thread of your narrative from there.

Miss BLAIR. Yes. Then I went into the Government service and I was there for a while. I decline to answer about my Government service on the grounds of possible incrimination.

Mr. ARENS. Let us pause there for a moment. When did you enter Government service?

Miss BLAIR. I entered after I finished Bryn Mawr.

Mr. ARENS. That was when?

Miss BLAIR. In 1929.

Mr. ARENS. What department did you—

Miss BLAIR. I said I preferred not to answer the question on those grounds.

Mr. ARENS. I do not mean to be impolite, but the preferences and the determination of those matters are up to the committee.

Miss BLAIR. Yes.

Mr. ARENS. I request now that you tell this committee in what department of the Government you first became employed in 1929.

Miss BLAIR. Yes. I said I decline to answer.

Mr. ARENS. Do you care to state the reason?

Miss BLAIR. On the grounds of possible self-incrimination.

The CHAIRMAN. Just a moment. Do you mean to imply that you are afraid you might be prosecuted criminally for giving the name of a department of Government that you worked for in 1929?

Miss BLAIR. I don't know, sir.

The CHAIRMAN. I beg your pardon.

(The witness conferred with her counsel)

Miss BLAIR. You start one question and there are all sorts of other questions. That is the basis upon which I decline to answer.

The CHAIRMAN. I direct you to answer the question just asked.

Miss BLAIR. I decline to answer on the grounds of possible self-incrimination.

Mr. ARENS. Would you kindly accommodate the committee by signing your name to that blank piece of paper so we can just see your signature?

Miss BLAIR. Shall I do that [to her counsel]?

(The witness conferred with her counsel.)

(The witness complied with the request.)

Mr. ARENS. Mr. Chairman, I respectfully suggest that this signature be identified as "Bertha Blair Exhibit No. 1" for identification purposes only and to be made a part of the committee files.

The CHAIRMAN. Let it be marked and made a part of the files.

Mr. ARENS. I lay before you a photostatic copy of an application for Federal employment on which a signature appears and ask you if that is your signature.

Miss BLAIR. I guess you are as well able——

(The witness conferred with her counsel.)

Mr. ARENS. Can you tell whether that is your signature there?

Miss BLAIR. Yes.

Mr. ARENS. That is your signature?

Miss BLAIR. I said I refused to answer on the ground that it might tend to incriminate me.

Mr. ARENS. Will you just tell us whether or not this is your signature appearing on this document? I think you may have misunderstood my question. The document which I now lay before you is a photostatic copy of an application for Federal employment. There is a signature on it, is there not?

Miss BLAIR. Yes, but I said I refuse to answer on the ground of possible self-incrimination.

Mr. ARENS. What does the signature say? Would you kindly accommodate the committee by reading the name of the signature?

Miss BLAIR. It says Bertha Blair.

Mr. ARENS. Is that your signature?

Miss BLAIR. I said I decline to say.

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact that you did enter the Federal service in October of 1929 in the Labor Department.

Miss BLAIR. Are you asking me another question?

Mr. ARENS. Yes.

Miss BLAIR. I said I decline to answer on the ground of possible self-incrimination.

Mr. ARENS. How long were you in the Federal service?

Miss BLAIR. Until 1949.

Mr. ARENS. What month of 1949?

Miss BLAIR. I don't remember exactly.

Mr. ARENS. Were you in more than one agency of the Federal Government?

Miss BLAIR. I said I decline to answer.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question as to whether or not she was in more than one agency of the Federal Government.

The CHAIRMAN. I direct you to answer the question as to the number of agencies of the Government in which you were employed.

Miss BLAIR. Mr. Chairman, I decline to answer on the ground of possible self-incrimination.

The CHAIRMAN. Do I understand you to mean that you are afraid that you might be prosecuted criminally if you gave to this committee the names of the agencies of your Government by which you were employed?

Miss BLAIR. I explained the same reason that I gave before, that one question leads to another question, and I prefer to say at this point that I do decline on those grounds.

The CHAIRMAN. I never knew that it was a crime to work for the United States Government. I always thought that people were proud of the fact that they were employed by the Government.

Mr. ARENS. I lay before you this same document that we were talking about a few moments ago, and direct your attention to the name of Victor Perlo, whose name appears in here as a reference for employment by the applicant whom you have identified here as a person called Bertha Blair.

Do you have any recollection at any time of giving the name of Victor Perlo as a reference for employment by yourself in the Federal Government?

Miss BLAIR. The answer is the same as it was before. I decline to answer on the grounds of possible self-incrimination.

Mr. ARENS. The date of this document is June 1948. In June of 1948 were you employed by the Federal Government?

(The witness conferred with her counsel)

Miss BLAIR. I think I was. It was a period between jobs that I went to the Government. I think it was back in there about 1948. I don't know what period. I wasn't there very long.

Mr. ARENS. About how long were you not in the Federal Government in the period between 1929 and 1949?

Miss BLAIR. I think about a year, something like that.

The CHAIRMAN. With the exception of one year you were in the employ of the Federal Government continuously from 1929 to 1949?

Miss BLAIR. Almost.

Mr. ARENS. During the course of this period from 1929 to 1949 did you know a person by the name of Morris Levine?

Miss BLAIR. I decline to answer on the grounds of possible self-incrimination.

Mr. ARENS. As a matter of fact, Morris Levine was your immediate supervisor at one time in the Department of Labor, was he not?

Miss BLAIR. I decline to answer on the grounds of possible self-incrimination.

Mr. ARENS. Were you at any time in the employ of the Yugoslav Embassy?

Miss BLAIR. Yes; I was.

Mr. ARENS. When was that?

Miss BLAIR. That was after I left the Government.

Mr. ARENS. Was that immediately after you left the Government?

Miss BLAIR. No; I don't think so. It was 2 or 3 months maybe.

Mr. ARENS. What occasioned your employment in the Yugoslav Embassy?

Miss BLAIR. I had to work.

MR. ARENS. What was the nature of your employment in the Yugoslav Embassy?

MISS BLAIR. It was clerical work, typing and general office work.

MR. ARENS. Who was your immediate supervisor?

MISS BLAIR. I can't remember his name. A guy by the name of Yekovitch.

MR. ARENS. Had you had contact with any person in the Yugoslav Government prior to the time that you went there as an employee?

MISS BLAIR. No.

MR. ARENS. Did you have contact with the Yugoslav Government while you were in the employ of the United States Government?

MISS BLAIR. I was working for the Yugoslav Embassy, if you call that the Yugoslav Government. I was working for the Embassy.

MR. ARENS. That is what I meant. Perhaps I didn't make myself clear.

Did you have contact with the Yugoslav Embassy in the course of your work while you were an employee of the United States Government?

MISS BLAIR. Only in the capacity of my work.

MR. ARENS. How did you happen to have contact with the Yugoslav Embassy prior to the time that you became an employee there.

MISS BLAIR. I heard about the job. I don't remember who I heard about the job from.

MR. ARENS. I may not have made my question clear. Let me start over again. In the course of your work in the United States Government did you have any contact with the Yugoslav Embassy?

MISS BLAIR. No.

MR. ARENS. Was your employment in the Yugoslav Embassy occasioned to your knowledge directly or indirectly by any person known by you to have been a member of the Communist Party?

MISS BLAIR. I decline to answer that on the grounds of possible self-incrimination.

MR. ARENS. In how many different agencies of the United States Government were you employed in the course of this period from 1929 to 1949?

(The witness conferred with her counsel.)

MISS BLAIR. I refuse to answer that question on grounds of possible self-incrimination.

MR. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

THE CHAIRMAN. Yes, I direct you to answer the question, Miss Blair.

(The witness conferred with her counsel.)

MISS BLAIR. Mr. Chairman, I refuse to answer on the same grounds of possible self-incrimination.

MR. ARENS. I put it to you as a fact, that in 1929 you were employed in the Labor Department, in the Women's Bureau, and ask you to affirm or deny the fact.

MISS BLAIR. The answer is the same.

MR. ARENS. I put it to you as a fact, that thereafter in 1936 you were employed in the Railroad Retirement Board in Washington and ask you to affirm or deny that fact.

MISS BLAIR. The same answer.

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact that thereafter, in 1943 you were in the employ of the National War Labor Board in Washington.

Miss BLAIR. The same answer.

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact, that thereafter in 1944 you were employed in the War Production Board in Washington, D. C.

Miss BLAIR. The same answer.

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact, that thereafter you were employed in the Civilian Production Administration beginning in 1945 in Washington, D. C.

Miss BLAIR. The same answer.

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact, that thereafter in 1947 you were in the Commerce Department in Washington, D. C.

Miss BLAIR. The same answer.

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact, that thereafter you were engaged and employed in the Bureau of the Census in the Commerce Department in Washington, D. C.

Miss BLAIR. The same answer.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer each and every one of the foregoing questions pertaining to the particular agencies in which she is alleged to have been employed.

The CHAIRMAN. Yes. I direct you to answer those questions. In view of the fact that you have admitted that you were employed by the Federal Government, I certainly do not see why you refuse to answer those questions.

Miss BLAIR. Congressman, I decline to answer on the ground of possible self-incrimination.

Mr. ARENS. Were you a member of the Communist Party while you were engaged in YWCA work in Michigan from 1921 through 1924.

Miss BLAIR. I decline to answer on the ground of possible self-incrimination.

Mr. ARENS. Were you a member of the Communist Party as of the time you assumed your duties with the National Council of Churches?

Miss BLAIR. I decline to answer on the ground of possible self-incrimination.

Mr. ARENS. Have you at any time been the subject of a loyalty investigation or hearing, to your knowledge?

Miss BLAIR. I decline to answer on the ground of possible self-incrimination.

Mr. ARENS. Did you at any time sign a form in the Federal Government service bearing on the issue of membership in the Communist Party or in any organization dedicated to the violent overthrow of the United States Government?

Miss BLAIR. I decline to answer on the ground of possible self-incrimination.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer the question as to whether or not she ever signed such a form.

The CHAIRMAN. I direct you to answer the question.

Miss BLAIR. I am sorry, Congressman, but I feel that I must decline to answer on the ground of possible self-incrimination.

The CHAIRMAN. Do you decline to answer the question?

Miss BLAIR. Yes.

Mr. ARENS. What are your duties with the National Council of Churches?

Miss BLAIR. I explained that I was doing clerical work.

Mr. ARENS. Have you at any time made any representation to your superiors in the National Council of Churches respecting any participation by yourself in the Communist Party or in any apparatus of the Communist conspiracy?

Miss BLAIR. I decline to answer on the ground of possible self-incrimination.

Mr. ARENS. Have you ever been connected with the American League for Peace and Democracy?

Miss BLAIR. I decline to answer that question.

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact that you were a member of the American League for Peace and Democracy in the Washington branch while you were engaged in the service of the Federal Government.

Miss BLAIR. I decline to answer that question.

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact that you were also a member of the Washington Bookshop, the Washington Committee for Democratic Action, and the Marian Anderson Citizens Committee while you were engaged in the Federal service.

Miss BLAIR. I decline to answer those question on the same grounds.

Mr. ARENS. Have you at any time in the course of your employment in the Federal Government ever transmitted information which you derived in the course of your employment to a person who was not entitled under the law to receive the same?

Miss BLAIR. I decline to answer on the ground of possible self-incrimination.

Mr. ARENS. Have you at any time engaged in what is commonly known as espionage?

Miss BLAIR. I decline to answer on the ground of possible self-incrimination.

Mr. ARENS. Do you mean to tell this committee, then, that if you would tell the truth respecting whether or not you had engaged in espionage, you would be furnishing facts which could be used against you in a criminal proceeding?

Miss BLAIR. I decline to answer that question on the grounds of possible self-incrimination.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer this question.

The CHAIRMAN. May I hear the question?

(Question read.)

The CHAIRMAN. Yes, I direct you to answer that question.

(The witness conferred with her counsel.)

Miss BLAIR. It is my belief that I might not know what the circumstances presented to me would be, and on that ground I assert my rights under the fifth amendment of possible self-incrimination.

The CHAIRMAN. And decline to answer the question?

Miss BLAIR. And decline to answer the question.

Mr. ARENS. Did George Silverman have anything to do, directly or indirectly, to your knowledge, with your employment in the Railroad Retirement Board?

Miss BLAIR. I decline to answer on the ground of possible self-incrimination.

Mr. ARENS. To your knowledge did a person by the name of Irving Kaplan have anything to do directly or indirectly with your employment in the War Production Board?

Miss BLAIR. I decline to answer on the ground of possible self-incrimination.

Mr. ARENS. Were you at any time in the course of your employment in the Federal Government suspended or discharged by the agency in which you were employed?

Miss BLAIR. I decline to answer on the ground of possible self-incrimination.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

The CHAIRMAN. I direct you to answer the question, Miss Blair.

Miss BLAIR. I am sorry, but I decline to answer the question on the same grounds.

Mr. ARENS. Mr. Chairman, there are no further questions at this time by the staff.

The CHAIRMAN. Mr. Doyle?

Mr. DOYLE. No questions.

The CHAIRMAN. Mr. Frazier?

Mr. FRAZIER. No questions.

The CHAIRMAN. Mr. Willis?

Mr. WILLIS. No questions.

The CHAIRMAN. Mr. Kearney?

Mr. KEARNEY. No questions.

The CHAIRMAN. I understood you to decline to answer the question as to your membership in the American League for Peace and Democracy on the ground that to answer the question might tend to incriminate you, that it might expose you to a criminal prosecution. By that do I understand you to mean that this organization was a Communist organization?

(The witness conferred with her counsel.)

Miss BLAIR. I have answered the same question about other organizations. I decline to answer this question also. I did decline and I still do decline.

The CHAIRMAN. That is all.

The witness is excused.

The Committee will be in recess for ten minutes.

(Brief recess.)

The CHAIRMAN. The Chair wishes to announce that the open sessions will be recessed to meet tomorrow in Room 1334 in the New House Office Building.

(Whereupon, at 2:55 p. m. Wednesday, February 15, the committee was recessed, to reconvene at 10 a. m. Thursday, February 16, 1956.)

INVESTIGATION OF COMMUNIST INFILTRATION OF GOVERNMENT—PART 3

THURSDAY, FEBRUARY 16, 1956

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARINGS

A subcommittee of the Committee on Un-American Activities met at 10:10 a. m., pursuant to recess, in room 1334, New House Office Building, Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Francis E. Walter, of Pennsylvania (presiding); Clyde Doyle, of California; James B. Frazier, Jr., of Tennessee; Edwin E. Willis, of Louisiana; Bernard W. Kearney, of New York; and Gordon H. Scherer, of Ohio.

Staff members present: Richard Arens, acting counsel, and Courtney E. Owens, investigator.

The CHAIRMAN. The committee will be in order.

Call your next witness.

Mr. ARENS. Mr. Henry Rhine. Will you kindly come forward. Remain standing and raise your right hand to be sworn, please.

The CHAIRMAN. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God.

Mr. RHINE. I do, sir.

TESTIMONY OF HENRY RHINE, ACCOMPANIED BY COUNSEL, JAMES T. WRIGHT

Mr. ARENS. Mr. Henry Rhine, will you kindly identify yourself by name, residence, and occupation.

Mr. RHINE. My name is Henry Rhine, R-h-i-n-e, 3606 Manor Parkway, Louisville, Ky. At present I am unemployed.

Mr. ARENS. Are you appearing today in response to a subpoena which was served upon you?

Mr. RHINE. Yes, sir.

Mr. ARENS. Are you represented by counsel?

Mr. RHINE. Yes, sir.

May I suggest that I would prefer not to have my picture taken, sir.

Mr. ARENS. Will counsel kindly identify himself.

Mr. RHINE. May I ask that my picture not be taken in this conference room, please?

The CHAIRMAN. The rule of the committee is that before—

Mr. RHINE. I wish to protest.

The CHAIRMAN. That before a witness testifies pictures may be taken. That is the rule of the committee.

Mr. RHINE. I wish to protest, and I don't want the use of these pictures. That is all. I am telling you, Mr. Chairman. I meant to mention it first, but out of courtesy to your counsel I answered his question. I want to make it clear that I don't want my picture taken while I am in the witness chair here.

Mr. ARENS. Will counsel kindly identify himself for the record now?

Mr. WRIGHT. My name is James T. Wright. I am an attorney-at-law. My offices are located at 2003 Twelfth Street NW., here in Washington, D. C.

Mr. ARENS. How do you spell your last name?

Mr. WRIGHT. W-r-i-g-h-t.

Mr. ARENS. Mr. Rhine, will you please give us a word of your early life prior to the time that you became self-sustaining as an adult. That is, your place of birth, your education, a thumbnail sketch of your youth.

Mr. RHINE. I was born in the United States.

Mr. ARENS. Where?

Mr. RHINE. New York City.

Mr. ARENS. When?

Mr. RHINE. August 23, 1908.

Mr. ARENS. Your education?

Mr. RHINE. Well, I went through the regular public schools, public grade and high schools of New York City and went to the University of Wisconsin. I graduated from the University of Wisconsin in 1933. I received the degree of Bachelor of Philosophy, I believe. I got my job in the Government—I think it was November of 1933.

Mr. ARENS. Please tell us in what agency of the Government you became employed in November 1933?

Mr. RHINE. The National Recovery Administration.

Mr. ARENS. Where was that?

Mr. RHINE. In Washington, D. C.

Mr. ARENS. Without including any extraneous details, kindly give us the sequence of your employments since you first became employed by NRA in 1933.

Mr. RHINE. As I recall, Mr. Counsel, I was in the NRA in 1933 to 1935, December of 1935. Then I believe in December of 1935, roughly, to June of 1936 I worked for the Senate Interstate and Foreign Commerce Committee, perhaps for about a year, and then for a short time beginning about June of 1936 I worked for the National Research Projects, WPA. All these three positions were in Washington, D. C.

Mr. ARENS. Will you proceed and trace your employment.

Mr. RHINE. In about June of 1937, after having quit my Government service, I went to work for the CIO.

Mr. ARENS. And in what capacity and where?

Mr. RHINE. I was working for the CIO as a national organizer for the CIO, assigned to the United Federal Workers of America. I remained in that position with headquarters in Washington, D. C., until about the latter part of 1942, as I remember. It has been some time ago, but I would say about October 15, 1942. I took a job as the organizer for the CIO United Electrical, Radio, and Machine Workers of America (UE).

Mr. ARENS. And where were you employed?

Mr. RHINE. My assignment mainly was in Philadelphia, Pa.

Mr. ARENS. How long did you maintain that employment?

Mr. RHINE. About 12 years or a little bit over 12 years.

Mr. ARENS. Until about 1954, then?

Mr. RHINE. I would say 1955, the end of March 1955.

Mr. ARENS. If you will continue, please.

Mr. RHINE. At that time I was employed as an organizer for the United Furniture Workers of America, CIO.

Mr. ARENS. Did you disassociate yourself from UE and then associate yourself with the United Furniture Workers?

Mr. RHINE. Yes, sir.

Mr. ARENS. That occurred in 1955?

Mr. RHINE. Yes, sir.

Mr. ARENS. As an organizer?

Mr. RHINE. Yes, sir.

Mr. ARENS. Was that in New York City?

Mr. RHINE. No, sir.

Mr. ARENS. In what city were you employed?

Mr. RHINE. Louisville, Ky.

Mr. ARENS. How long did you maintain that employment?

Mr. RHINE. Close to 8 months, December 15, 1955, or December 17 to be exact, as I recall.

Mr. ARENS. Have you had any other employment since December 17, 1955?

Mr. RHINE. No, sir.

Mr. ARENS. Have you had any income since December 1955?

Mr. RHINE. Income from whatever source, you mean?

Mr. ARENS. Yes.

Mr. RHINE. I receive a small amount under the survivors benefit, two children under 18, as a result of the death of my wife. I have applied for unemployment compensation and I am sure I will get it. I haven't gotten it to date.

Mr. ARENS. I think it would be helpful to the committee if we could begin now to fill in some of the substance of your activities. Who was your immediate superior during the period 1933 to 1935 when you were employed in the NRA here in Washington?

Mr. RHINE. As I recall, at that time I worked for the Consumers Advisory Board and one Mr. Dexter Keeser, the first name, D-e-x-t-e-r, the last name, K-e-e-s-e-r—I am sure of that spelling—who was the head of that particular Board of the National Recovery Administration. He was in charge of that Board.

Mr. ARENS. Who was instrumental principally in causing your employment with the Wheeler subcommittee of the Senate Interstate and Foreign Commerce Committee beginning in 1935?

Mr. RHINE. Well, I don't recall exactly how that happened, but the NRA had been declared unconstitutional around that time, and as I remember it, I stayed on with NRA and then was transferred to the Senate committee. I think it was investigating railroads. Still, as I remember, I was on the NRA payroll as a transferee.

Mr. ARENS. You were on loan, then, to this Senate subcommittee.

Mr. RHINE. That is probably so, if my recollection holds me in good stead. I think there was one division of the NRA which was

known as the Trades Practices Division, which was able to continue after the act had been declared unconstitutional.

Mr. ARENS. What function did you perform for the Senate subcommittee under Senator Wheeler?

Mr. RHINE. I was somewhat a junior analyst, or clerk, or whatever you would like to call it. I wasn't there very long. It was a matter of just doing some limited phase of the investigation of the railroads, I think mainly paperwork, statistical work. I don't believe that I ever had to interview any railroad official or anything of that sort. I think it was limited to the paper detail work of that investigation under Senator Wheeler.

Mr. ARENS. While you were with the Senate committee did you have occasion either in the course of your duties or otherwise to make trips to New York City?

Mr. RHINE. My recollection is that I had no reason to make any trips outside of Washington for the Senate Interstate and Foreign Commerce Committee.

Mr. ARENS. Aside from the performance of your duties as a member of the staff of the Wheeler committee, did you make any trips, of any character, for any purpose, to New York City?

(The witness conferred with his counsel.)

Mr. RHINE. Mr. Counsel, I gather that you mean in regard to my personal life or whatever I wanted to do?

Mr. ARENS. For any purpose or reason whatsoever.

Mr. RHINE. I should imagine that during that period I may well have visited my family in New York City.

Mr. ARENS. Did your family remain in New York City?

Mr. RHINE. Yes.

Mr. ARENS. About how often in the course of a year would you go to New York City?

Mr. RHINE. Not very often. It might have been a weekend for a special occasion or it might have been a vacation or whatever. I would go to New York and see my mother and father and my many brothers and sisters and the entire family, which is a rather large one.

Mr. ARENS. In the course of these trips did you have occasion to have any contact with people in New York City who were employed in the Office of the Federal Coordinator of Transportation?

Mr. RHINE. None whatsoever.

Mr. ARENS. While you were in New York City on these sojourns, did you have occasion to have contact with a person by the name of James E. Gorham?

(The witness conferred with his counsel.)

Mr. RHINE. I would like to know more, Mr. Counsel, about who Mr. James Gorham is.

Mr. ARENS. Did you know a person by the name of James E. Gorham, identified with the Federal Coordinator of Transportation about this period in 1934 and 1935?

Mr. RHINE. Did I know him in New York City?

Mr. ARENS. Yes, sir; or know him anywhere?

(The witness conferred with his counsel.)

Mr. ARENS. Perhaps I can refresh your recollection by suggesting the names of 1 or 2 other individuals whom you may have been ac-

quainted with at that time in the course of those visits to New York City. Did you know a person by the name of Albert Blumberg?

(The witness conferred with his counsel.)

Mr. RHINE. My answer to that question will be to assert my privilege under the Constitution and assert the privilege of using the fifth amendment.

Mr. ARENS. Did you know a person by the name of Eleanor Nelson about this period of time we are talking about, 1934-35?

Mr. RHINE. My answer is that I will assert the privilege of using the fifth amendment.

Mr. ARENS. About this time were you instrumental in forming the American Federation of Government Employees or in promoting the work of the American Federation of Government Employees in Washington?

Mr. RHINE. I think it is common knowledge that as a Government employee I was an officer of local 91 of the A. F. of L. union, in the NRA.

Mr. ARENS. Of the American Federation of Government Employees?

Mr. RHINE. Yes, I believe that was the name of the organization. I was the vice president of the local and the chairman of the grievance committee and I might point out that I spent a good deal of my adult life in the labor movement.

Mr. ARENS. Did you have occasion to go to New York City in connection with any of the activities of the American Federation of Government Employees?

Mr. RHINE. No, because I was in Washington working with one local of that international union of the A. F. of L.

Mr. ARENS. Did you as an officer of the American Federation of Government Employees have sessions in New York City with persons who were identified there with the Office of the Federal Coordinator of Transportation?

Mr. RHINE. No, I did not. I was not an official of the American Federation of Government Employees. I was an official of a local or, as it was known then, of a lodge.

Mr. ARENS. We are talking about 1934 or 1935, are we not, Mr. Rhine?

Mr. RHINE. If that is the period you are talking about, I was in the American Federation of Government Employees until we established the CIO United Federal Workers of America, which was the summer of 1937.

Mr. ARENS. Tell us with what other organizations you were connected during this period 1934-35?

Mr. RHINE. Do you mean other trade unions?

Mr. ARENS. Any other organizations. We will take trade unions and go right down the list now so we will have them all.

(The witness conferred with his counsel.)

Mr. RHINE. As a matter of fact, being the representative of local 91 of the A. F. of L. union in the Government service in NRA, I was a delegate to the American Federation of Labor, Washington council, or whatever it is called. It was called the American Federation of Labor Central Labor Union. And perhaps 1 or 2 other trade-union groups. I think for a while I was a delegate to the district council of

the American Federation of Government Employees, that is, the Washington conference.

Mr. ARENS. Does that exhaust the list of the organizations of which you were a member in 1934 and 1935?

(The witness conferred with his counsel.)

Mr. RHINE. I have no recollection of organizations other than the trade unions that I was affiliated with at the time.

Mr. ARENS. Let's get your testimony absolutely clear for this record. Is your testimony that other than the trade union organizations, you were not affiliated with any organization in 1934 or 1935?

Mr. RHINE. I have no recollection of affiliation with other organizations. If you have a list there you tell me. I am not familiar.

Mr. ARENS. Let's move on to 1935 and 1936 while you were with the Senate Wheeler committee. While you were with this Senate subcommittee, could you tell us the names of the people you knew who were then on the staff?

Mr. RHINE. As I remember it, I was on that committee for about 6 or 7 months at most, carrying on 1 limited phase. I just have a recollection about one person who was a supervisor in my Government employment. I think his name was Goldschmidt. That is about all I recollect.

Mr. ARENS. Do you have a recollection of his first name?

Mr. RHINE. No. I think his nickname was "Tex," but I don't have any other recollection of his name.

Mr. ARENS. Is he the only person you knew on that Wheeler committee?

Mr. RHINE. I can't think of others offhand. As I said, it was a limited kind of work. It was in one office. It didn't require much other than looking over figures, as I recall. That is about it. That was some time ago.

Mr. ARENS. Did you have occasion to know a man by the name of Herbert Fuchs either on the committee or in connection with its activity in which you may have been engaged?

(The witness conferred with his counsel.)

Mr. RHINE. My answer to that question is to assert the privilege of the fifth amendment to the Constitution of the United States?

Mr. ARENS. Who was Jessica Rhine?

Mr. RHINE. Jessica Rhine has been my wife, is the mother of three of my children.

Mr. ARENS. Did you and Jessica Rhine ever belong to any organization together?

Mr. RHINE. Trade union organization?

Mr. ARENS. Any type of organization.

Mr. RHINE. When I was an official of local 91 of the A. F. of L. Jessica Rhine was an official of local 91 of the American Federation of Government Employees, A. F. of L. I believe she was secretary-treasurer.

Mr. ARENS. You and she, then, were co-members of this organization; is that correct?

Mr. RHINE. Of local 91 of the American Federation of Government Employees, A. F. of L.

Mr. ARENS. Is that correct?

Mr. RHINE. Yes.

Mr. ARENS. Tell us some other organization, if you can recall, in which you and Jessica Rhine were co-members.

(The witness conferred with his counsel.)

Mr. RHINE. I don't have any recollection of any other organizations.

Mr. ARENS. Do you deny that you and Jessica Rhine were co-members of any other organization?

(The witness conferred with his counsel.)

Mr. RHINE. I neither affirm nor deny. I just don't remember.

Mr. ARENS. During the time that you were in the American Federation of Government Employees did you receive orders, directions, or were you under the discipline of any group or person allied with some other organization?

(The witness conferred with his counsel.)

Mr. RHINE. The only aid or help that I got was that from the trade union group. That was the only influence and experiences that I encountered during that period.

Mr. ARENS. Were you at any time during your employment by the Senate Wheeler committee or during your entire tenure of office with the American Federation of Government Employees also the leader of any other group or entity?

(The witness conferred with his counsel.)

Mr. RHINE. My answer is to assert the privilege of the fifth amendment.

Mr. SCHERER. Mr. Chairman, may I ask a couple of questions here?

The CHAIRMAN. Mr. Scherer.

Mr. SCHERER. When did you go to work for the the Interstate Commerce Committee in the Senate?

Mr. RHINE. As I recall it, it was about December of 1935.

Mr. SCHERER. Did you describe to us your duties with that committee of the Senate?

Mr. RHINE. In slight detail, I believe I did. It was pretty much a desk job, statistics and figures and some limited phases of the investigation.

Mr. SCHERER. What type of investigation?

Mr. RHINE. I believe that was Senator Wheeler's committee investigating the railroads at that time.

Mr. SCHERER. Were you assigned to any subcommittee?

Mr. RHINE. I don't recall whether it was a subcommittee. All I knew was that it was Senator Wheeler's committee staff and I was working there. It was a small staff unit of that committee. As I stated, I may still have been on the NRA payroll on loan. I am not sure. I believe I was.

Mr. SCHERER. Is that the same committee that James E. Gorham was working for at the same time?

(The witness conferred with his counsel.)

Mr. RHINE. I don't know.

Mr. SCHERER. Did you know a James Gorham? I will withdraw that question.

Wasn't he employed by the Wheeler committee the same time you were?

Mr. RHINE. I don't know.

Mr. SCHERER. Then we go back to the other question: Did you know a James Gorham?

(The witness conferred with his counsel.)

Mr. RHINE. Mr. Scherer, my answer is that I have already asserted the privilege of the fifth amendment in regard to that question.

Mr. SCHERER. Do you refuse to answer this last question, then on the basis of the fifth amendment?

Mr. RHINE. Which is your last question?

Mr. SCHERER. Whether you knew James Gorham as a fellow staff member.

Mr. RHINE. Yes; that is right; my answer is to assert the privilege of the fifth amendment.

Mr. SCHERER. Did you know Herbert Fuchs?

Mr. RHINE. My answer is to assert the privilege of the fifth amendment.

Mr. SCHERER. Wasn't Senator Truman at that time the chairman of that subcommittee investigating the financial condition of the railroads?

Mr. RHINE. If he was I didn't know it. I knew it was Senator Wheeler's committee.

Mr. SCHERER. How did you obtain your employment with the Senate committee?

Mr. RHINE. As I recall, it was a transfer on a loan from NRA. I had been with the NRA from the early days, relatively, until it was declared unconstitutional, and a number of people were transferred to other jobs for awhile, still on the NRA payroll.

Mr. SCHERER. Did you make application for a transfer to that committee?

Mr. RHINE. I don't recall. I must have filled out some kind of application or paper and went over there, but I am not sure that I did. I just don't recall that in any detail. I wasn't there for a very long time. I think all the time I was there I was on the NRA payroll.

Mr. SCHERER. Did you obtain the transfer as a result of some action on your part? Did you initiate the transfer or did somebody in NRA send you over there?

Mr. RHINE. I think the people in NRA were interested in placing a number of the employees and that may have been it initially. I know that I kept my job and was able to transfer over there.

Mr. SCHERER. You don't know who was responsible for the transfer?

Mr. RHINE. No; I don't. I could only think it might be somebody in that Consumers Advisory Board, the Board where I was employed or the Trade Practices Section of that Board of the National Recovery Administration at that time.

Mr. SCHERER. Were you a member of the Communist Party when you worked for the Senate committee?

Mr. RHINE. My answer is to assert the privilege of the fifth amendment in regard to that question.

Mr. SCHERER. Do you know who was transferred with you from NRA to the Senate committee?

Mr. RHINE. No.

Mr. SCHERER. You are familiar with James Gorham's testimony concerning you; are you not?

(The witness conferred with his counsel.)

Mr. RHINE. Only to the extent of what I saw in the press, not to any detail, just what I saw in the press.

Mr. SCHERER. Was anything that he said about you as reported in the press untrue?

Mr. RHINE. My answer to that question, Mr. Scherer, is to assert the privilege of the fifth amendment.

Mr. SCHERER. Do you know of any other members of that Senate committee staff who were members of the Communist Party?

Mr. RHINE. My answer to that question, Mr. Scherer, is to assert the privilege of the fifth amendment.

Mr. ARENS. Did you belong at any time to a group or organization in which you engaged in activities in concert with Harry Dexter White, of the United States Treasury Department?

Mr. RHINE. The same answer. My answer is that I will assert the privilege of the fifth amendment.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that you were in an underground group between 1933 and 1934 in Washington, D. C., consisting of yourself, Harry Dexter White, George Silverman, John Abt—

Mr. RHINE. My answer is the same—

Mr. ARENS. And Victor Perlo.

Mr. RHINE. My answer is the same. I assert the privilege of the fifth amendment against possible self-incrimination.

Mr. ARENS. In other words, if you told this committee the truth in response to that question which I have just asked you—

Mr. RHINE. I always tell the truth.

Mr. ARENS. Do you feel that you would be furnishing information which could be used against you in a criminal proceeding?

Mr. RHINE. My answer is the same. I assert the privilege of the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question, Mr. Rhine. (The witness conferred with his counsel.)

Mr. RHINE. Will you repeat the question, please, Mr. Counsel?

Mr. ARENS. Do you feel that if you should tell this committee the truth respecting whether or not you had been identified with these persons I have named in this underground group, that you would be supplying information which could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. RHINE. I respectfully decline to answer this question except in the same way that I have answered the others. I assert the privilege of the fifth amendment against possible self-incrimination.

Mr. ARENS. The record will show, Mr. Chairman, that he has been ordered and directed to answer this question. I was interested in your observation that you always tell the truth. Have you ever been a member of an organization which is dedicated to obtain its objectives by deceit and lying?

Mr. RHINE. My answer is to assert the privilege of the fifth amendment.

Mr. ARENS. Have you ever in the course of your Federal employment transmitted information which came to you in the course of that employment to a person who was not authorized by law to receive the same?

(The witness conferred with his counsel.)

Mr. RHINE. My answer is to assert the privilege of the fifth amendment.

Mr. SCHERER. Just a moment, Counsel.

Witness, do you mean to say that you won't tell this committee whether you ever engaged in espionage against the Government of the United States?

(The witness conferred with his counsel.)

Mr. RHINE. My answer to you, Mr. Scherer and to the committee, is that I am asserting the privilege of the fifth amendment against possible self-incrimination.

Mr. SCHERER. Who interviewed you when you got your job with the Senate committee?

Mr. RHINE. With the Senate committee? As I remember—I am not too sure but as I remember it was this Mr. Goldschmidt, for whom I went to work.

Mr. SCHERER. Mr. Goldschmidt?

Mr. RHINE. Goldschmidt, I think. I am not too sure of the spelling. I think it was G-o-l-d-s-c-h-m-i-d-t, something like that.

Mr. SCHERER. Do you remember his first name?

Mr. RHINE. I said earlier, all I remember is his nickname. They called him Tex, if I remember. Recollection has it that it may have been Arthur, but I am not sure about that.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that you were a member of the Harry Dexter White espionage ring in the Government of the United States from 1933 to 1934?

Mr. RHINE. My answer, Mr. Counsel, is to assert the privilege of the fifth amendment to the constitution.

Mr. ARENS. I have put it to you as a fact. Was I lying or was I telling the truth?

Mr. RHINE. The same answer. My answer is that I will have to assert the use or the privilege of the fifth amendment to the Constitution against possible self-incrimination.

Mr. ARENS. Was your disassociation from the Senate committee in 1936 and your employment in the WPA caused directly or indirectly by any person known by you to have been a member of the Communist conspiracy?

Mr. RHINE. I respectfully will submit that my answer is the same and I will assert the privilege of the fifth amendment.

Mr. ARENS. Who engaged you in the CIO in 1937?

Mr. RHINE. As I recall it, I think I was interviewed by Mr. John L. Lewis and Mr. John Brophy at the time. I think they were the two. Perhaps there were others. I knew others, but I don't remember.

Mr. ARENS. Who was your immediate superior?

Mr. RHINE. There was a liaison. I was responsible to Mr. Brophy and later to Mr. A. D. Lewis, John L.'s younger brother, as I recall. Within the United Federal Workers of America I believe the president of the organization was one Mr. Jacob Baker, so I guess in that sense I would be responsible to him.

Mr. ARENS. During the period which you have described from 1937 to 1942, in which you were an organizer both for the CIO and subsequently for the United Federal Workers, were you under discipline of the Communist Party?

Mr. RHINE. My answer to that is that I will have to and I will and hereby do assert the privilege of the fifth amendment against possible self-incrimination. That is my answer.

Mr. ARENS. I again allude to your self-esteem which you have pronounced here in respect to your always being an adherent of the truth. Do you likewise commend yourself for your patriotism to this Nation or do you have an allegiance to a foreign-controlled conspiracy?

Mr. RHINE. My answer to that question is to assert the privilege of the fifth amendment against possible self-incrimination.

Mr. ARENS. It is the information of the committee on a public record, Mr. Rhine, that you were identified at one time or another with eight different Communist cells within the Government of the United States. We are giving you now an opportunity to serve your country and to give additional embellishment to your character by recounting to the Committee on Un-American Activities of the United States Congress the location, identification and personnel of these eight Communist cells with which you were, according to sworn testimony, identified during your service as an employee of the United States Government.

Mr. RHINE. My answer is to assert the privilege of the fifth amendment.

Mr. ARENS. How long were you with the United Federal Workers of America? Until 1942?

Mr. RHINE. That is correct.

Mr. ARENS. Who was head of the United Federal Workers at that time?

Mr. RHINE. Mr. Jacob Baker, as I remember.

Mr. ARENS. Was Abram Flaxer identified with that organization during your tenure of service as an organizer?

Mr. RHINE. No.

Mr. ARENS. Was the United Federal Workers Communist controlled?

Mr. RHINE. I will assert the privilege of the fifth amendment.

Mr. ARENS. Did the United Federal Workers subsequently merge with 1 or 2 other governmental unions, to form the United Public Workers of America?

Mr. RHINE. I believe possibly it did. I had already left that organization and I am not in a position to tell you for sure. I was no longer with it, having left it in 1942.

Mr. ARENS. Did you know a man by the name of Ewart G. Guinier in any of the Government unions?

(The witness conferred with his counsel.)

Mr. RHINE. I don't know him.

Mr. ARENS. Have you in the course of your career been an instructor?

Mr. RHINE. My answer is to assert the privilege of the fifth amendment.

Mr. ARENS. Mr. Rhine, I lay before you a photostatic copy of a document which has come into the possession of the House Committee on Un-American Activities entitled "Catalog of the Philadelphia School of Social Science and Arts, 1704 Walnut Street, Philadelphia 3, Pennsylvania," and invite your attention specifically to page 8 of this document. At the top of it appears the name of Henry Rhine, R-h-i-n-e, as one of the instructors in that institution. I ask you if you can refresh your recollection as to whether or not you are the person alluded to in that document as Henry Rhine.

(The witness conferred with his counsel.)

Mr. RHINE. I see the photostatic copy, but I will assert the privilege of the fifth amendment.

Mr. ARENS. Does it refresh your recollection in any manner with respect to your professorial career?

Mr. RHINE. Will you repeat the question? I didn't hear the last part of it.

Mr. ARENS. Does this document which I have just exhibited to you refresh your recollection in any manner with respect to your career as a professor or instructor?

Mr. RHINE. The same answer in regard to this printed document.

Mr. ARENS. Did you instruct in the Philadelphia School of Social Science and Art in Philadelphia, Pa.?

Mr. RHINE. I assert the privilege of the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the record at this point show that this institution has been cited as a Communist-controlled front by the Attorney General of the United States.

What was your activity in the United Electrical Workers besides just organizing? Did you engage in any other activity?

Mr. RHINE. I don't fully understand your question. Such as, what other activity?

Mr. ARENS. What were your duties as outlined to you by your superior when you were engaged as an organizer for UE?

Mr. RHINE. I don't know what my duties were as outlined by any superior. I know generally what my duties were as an organizer. I helped organize the unorganized in any industry. I helped negotiate certain contracts. In other words, I organized, I negotiated, and I serviced local unions.

Does that answer your question?

Mr. ARENS. Did you engage in any other activities as an organizer for UE?

Mr. RHINE. What do you mean by other activities?

Mr. ARENS. Did you engage in any activity in the nature of procurement of information from plants to which you may have had access?

(The witness conferred with his counsel.)

Mr. RHINE. My answer to that question is to assert the privilege of the fifth amendment.

Mr. ARENS. As an organizer for the UE did you have access to any establishments which we would in common parlance refer to as a defense establishment?

(The witness conferred with his counsel.)

Mr. RHINE. My answer to that question is to assert the privilege of the fifth amendment against possible self-incrimination.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer that question, Mr. Rhine.

Mr. RHINE. Mr. Walter and members of the committee, I respectfully decline to answer it, excepting to answer it in the way that I have already answered it, and that is to assert my privilege under the fifth amendment.

The CHAIRMAN. Where were you engaged in this organizational work?

Mr. RHINE. It is known as District No. 1 of the United Electrical Radio and Machine Workers, and the headquarters were in Philadelphia, covering eastern Pennsylvania, southern New Jersey, Delaware, I believe, and perhaps Maryland and Virginia. That was the district.

The CHAIRMAN. Did you participate in the organization of the employees of the Ingersoll-Rand Co.?

Mr. RHINE. No. That was across the river, across the Delaware River. That is another district. I did not, Mr. Walter.

Mr. ARENS. What contracts did UE hold while you were an organizer in this district headquartered in Philadelphia?

(The witness conferred with his counsel.)

Mr. RHINE. My answer will be to assert the privilege of the fifth amendment in regard to your question.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

The CHAIRMAN. I direct you to answer the question, Mr. Rhine.

Mr. RHINE. Mr. Walter and committee members, I respectfully submit that the only answer that I can give is the answer to assert the privilege of the fifth amendment.

The CHAIRMAN. Will you tell us who was working with you in this organizational work?

Mr. RHINE. My answer will be to assert the privilege of the fifth amendment.

The CHAIRMAN. Did you assist in the organization of the employees of the Pennsylvania Pump & Compressor Co.?

Mr. RHINE. Where is it located?

The CHAIRMAN. Easton, Pa.

(The witness conferred with his counsel.)

Mr. RHINE. Mr. Walter, I respectfully submit that my answer is to assert the fifth amendment privilege.

The CHAIRMAN. Do you know Ernest Moyer?

Mr. RHINE. Mr. Walter, the same answer. I will assert the privilege of the fifth amendment, against possible self-incrimination.

Mr. ARENS. Did you engage in what might be called political activity in 1948 and 1949?

(The witness conferred with his counsel.)

Mr. RHINE. My answer is to assert the privilege of the fifth amendment.

Mr. ARENS. You were vice chairman of one subdivision or unit of the Progressive Party of Pennsylvania, were you not?

Mr. RHINE. My answer is to assert the privilege of the fifth amendment.

Mr. ARENS. Was the Progressive Party of Pennsylvania controlled by the Communist conspiracy?

Mr. RHINE. The same answer. I will assert the privilege of the fifth amendment.

Mr. ARENS. Did you sign a statement in behalf of the Communist leaders who were convicted under the Smith Act in New York City?

Mr. RHINE. Will you repeat the question?

Mr. ARENS. Did you sign a statement on behalf of the 11 convicted traitors who appeared before Judge Medina in New York City?

Mr. RHINE. My answer is to assert the privilege of the fifth amendment.

Mr. ARENS. I lay before you, Mr. Witness, a photostatic copy of the Daily Worker of New York, Friday, October 21, 1949, page 3, on which there is an article entitled "Unionists Form Committee To Win Freedom for 11," and I invite your attention specifically to the name of "Henry Rhine, UE international representative," which appears in that article as one of the signers, so it is alleged by this paper, and I ask you if that refreshes your recollection in any respect in regard to signature by yourself.

Mr. RHINE. Yes. I see the photostatic printed copy.

Mr. ARENS. Do you see this name here "Henry Rhine," too?

Mr. RHINE. I assert the privilege of the fifth amendment against possible self-incrimination.

Mr. ARENS. Did you sign such a statement?

Mr. RHINE. The same answer, Mr. Counsel. I assert the privilege of the fifth amendment.

Mr. ARENS. What caused your disassociation from the UE?

(The witness conferred with his counsel.)

Mr. RHINE. As far as I recall, I was laid off.

Mr. ARENS. Who laid you off?

Mr. RHINE. Oh, it is the usual form.

Mr. ARENS. I say who did it?

Mr. RHINE. I should imagine it was the director of the organization, the man in charge of the staff.

Mr. ARENS. Was it in any way precipitated by a difference of opinion over any extracurricular activity in which you may have been engaged?

Mr. RHINE. Of course I will assert the privilege of the fifth amendment.

Mr. ARENS. Who obtained your job for you in Louisville as an organizer for the furniture workers?

(The witness conferred with his counsel.)

Mr. RHINE. Mr. Counsel, my answer is to assert the privilege of the fifth amendment.

Mr. ARENS. Was the man who hired you an honorable, honest, and truthful man?

Mr. RHINE. The same answer.

Mr. ARENS. Have you ever traveled outside the continental United States?

Mr. RHINE. As I recall it, in my youth I took one trip to Canada. That would be the only time that I was outside of the United States. One trip on my way to school I hitchhiked via Canada.

Mr. ARENS. Have you ever made an application for an American passport?

(The witness conferred with his counsel.)

Mr. RHINE. I haven't, no.

Mr. ARENS. What caused your disassociation from the United Furniture Workers Union?

Mr. RHINE. I was laid off.

Mr. ARENS. Why?

Mr. RHINE. For various reasons. I don't know. Curtailment of staff. It was a straight lay-off as far as I know.

Mr. ARENS. What were you told was the reason?

Mr. RHINE. Curtailment of staff.

Mr. ARENS. Mr. Chairman, there are no further questions by the staff at this time.

The CHAIRMAN. Are there any questions?

Mr. DOYLE. I have one.

In your organizational work for UE did your territory include Newark, N. J.?

Mr. RHINE. No, sir, Mr. Doyle. That was not in my area. Only southern New Jersey would have been my area at that time.

Mr. DOYLE. I sat with the subcommittee of this committee at Newark, N. J., several months ago, and the sworn testimony, which was uncontradicted at that hearing, was that there was a tussle within the CIO-UE workers organization at Newark, in New Jersey and southern New York, between the members of a Communist cell who were also in the union and the loyal union workers who were not in the Communist cell. I am wondering if the fact of the existence of that Communist cell within the board of directors or trustees of the UE organization at Newark, and thereabouts ever came to your attention. Did you hear of that tussle and controversy?

Mr. RHINE. Mr. Doyle, I respectfully submit that my answer is to assert the privilege of the fifth amendment.

Mr. DOYLE. Did you attend any of those Communist cell caucuses which were held by the Communist Party members who were also members of the UE organization?

Mr. RHINE. The same answer. My answer is to assert the privilege of the fifth amendment to that question, Mr. Doyle.

Mr. DOYLE. Are you able to help us understand how it is that a few Communist Party members within an organization, according to the testimony at Newark, were able to get control of the policy of a union as large as that one? I think there were over three or four thousand members. How can a handful of union members join a Communist cell and get control of the union of 2 or 3 thousand members?

Mr. RHINE. I respectfully submit, Mr. Doyle, that my answer is to assert the privilege of the fifth amendment.

Mr. DOYLE. Frankly, I was hoping, Mr. Rhine, now that you are out of organized labor, according to your testimony, as far as organizational work and employment are concerned, that you might now be in a position where you could give Congress the benefit of your experience of many years.

I know that the work of organizers of unions such as UE of necessity brought you into contact with some Communist Party cell operations in the UE, according to sworn testimony. Why aren't you in a position to help us get at that Communist conspiracy within organized labor? We are not after organized labor. We are only after the Communist Party activity within organized labor.

Why aren't you able to help us so that we can report to Congress in the field of legislation and possibly obtain approval of legislation to meet that problem?

Mr. RHINE. Mr. Doyle, I respectfully submit that my answer to that question is the same and that I assert the privilege of the fifth amendment against possible self-incrimination.

Mr. DOYLE. May I say to you that I happen to know that you have been in a very, very important position within labor over the course of years. I think the time will come before too long when you will, shall we say, see the light and put the interests of your country and

organized labor ahead of your present desire not to give Congress information as to Communist Party cell operations within the UE while you were in that union.

The CHAIRMAN. Any questions, Mr. Frazier?

Mr. FRAZIER. No questions.

The CHAIRMAN. Mr. Kearney?

Mr. KEARNEY. No questions.

The CHAIRMAN. Mr. Scherer?

Mr. SCHERER. Yes, Mr. Chairman.

James Gorham has been referred to before, the witness who testified before this committee on Tuesday of this week. He was asked this question by counsel:

Tell us about the unit to which you were attached upon your arrival here in Washington.

Mr. Gorham replied:

That is what I am doing. The union, once it got in Washington, or the group, once it got in Washington, chose me to act as president of the local, and as such I attended meetings of district department of the American Federation of Government Employees.

At one such meeting, or at a meeting of the Central Labor Union, I am not sure which, some 3 months after coming to Washington, in other words about February I think of 1935, I ran into Henry Rhine whom I had mentioned as 1 of the 3 people who had met with us in New York.

Mr. ARENS. As a Communist?

Mr. GORHAM. Yes, sir. Mr. Rhine and I recognized each other and he took me over to his house where I met his wife, and later he took me to a meeting of the Communist Party unit in NRA. Since there were no other Communists apparently in the Railroad Retirement Board, I was attached to the NRA group.

Then Mr. Arens asked Mr. Gorham this question:

Kindly identify these 4 or 5, or as many of them of whom you have a recollection.

Mr. GORHAM. There was Mr. Rhine, his wife Jessica Buck Rhine; there was Mr. John Donovan, whom I had known on the Columbia campus as a leading Communist.

You have an opportunity here, Mr. Witness, either to affirm or deny the testimony of Mr. Gorham given to this committee under oath on Tuesday of this week.

Is anything that Mr. Gorham said in that testimony about you untrue?

Mr. RHINE (after conferring with counsel). I, Mr. Scherer, will answer by asserting the privilege of the fifth amendment.

Mr. SCHERER. You do not deny then, as I understand, anything that he said as being true?

Mr. RHINE. The same answer. I will assert the privilege of the fifth amendment concerning anything that Mr. Gorham said.

Mr. SCHERER. Do you deny the fact then that Gorham, along with you, was transferred from the NRA to the Senate committee?

Mr. RHINE. My answer is the same as before, asserting the privilege of the fifth amendment with regard to this.

I gather you said Mr. Gorham now works for the NRA. When I read it, he was not with the NRA.

Mr. SCHERER. I think I am wrong. From the NRA cell of the Communist Party.

Mr. RHINE. I assert the privilege of the fifth amendment in regard to anything Mr. Gorham said in regard to your question.

Mr. SCHERER. You are right; Mr. Gorham did not work for the NRA but, because he was the only one in the Railroad Retirement Board group who was Communist, he testified that he was assigned with you to the NRA Communist cell within NRA.

Were there any others who went from the NRA Communist Party cell along with you and Gorham to the Senate Wheeler committee?

Mr. RHINE. The same answer, to assert the privilege of the fifth amendment.

Mr. SCHERER. Who else was transferred with you from NRA itself to that Senate committee?

Mr. RHINE. My answer is the same. I will assert the privilege of the fifth amendment against possible self-incrimination, Mr. Scherer.

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer that question because I did not ask him anything about Communist Party membership; I asked what other employee of NRA was transferred with him from NRA to the Wheeler committee.

The CHAIRMAN. You are directed to answer the question.

Mr. RHINE. You may recall, Mr. Walter, that I said earlier in this testimony that I didn't know and, however, I still continue to assert the privilege of the fifth amendment against possible self-incrimination by the question.

Mr. SCHERER. You say you did not know who was transferred with you? Do you know who was transferred?

Mr. RHINE. I remember not being able to recall any name or any person being transferred with me at that time and I did answer the question that way. However, I still state, so that there will be no misunderstanding, that my answer to your question is to assert the privilege of the fifth amendment against any possible self-incrimination.

The CHAIRMAN. I have no further questions. The witness is excused.

Mr. ARENS. Mr. Chairman, I do not know what the record shows with reference to present membership.

The CHAIRMAN. Very well.

Mr. ARENS. Mr. Rhine, are you now a member of the Communist Party?

Mr. RHINE. My answer is the same as before. I assert the privilege of the fifth amendment of the Constitution.

The CHAIRMAN. Is there anything further?

The witness is excused.

Call your next witness.

Mr. ARENS. The next witness, if you please, Mr. Chairman, is Mr. Marcel Kistin, K-i-s-t-i-n.

Mr. WRIGHT. May I ask, does this finally excuse this witness?

Mr. ARENS. Yes.

Mr. Kistin, would you kindly come forward? Please remain standing and raise your right hand to be sworn.

The CHAIRMAN. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KISTIN. I do.

**TESTIMONY OF MARCEL S. KISTIN, ACCOMPANIED BY COUNSEL,
BENJAMIN LORING YOUNG**

Mr. ARENS. Would you please identify yourself by name, residence and occupation?

Mr. KISTIN. My name is Marcel Kistin. I live at 24 Grandview Road in Arlington, Mass. I am a lawyer.

Mr. ARENS. How long have you been engaged as a lawyer?

Mr. KISTIN. I have been engaged as a lawyer since I graduated from law school in 1949.

Mr. ARENS. Are you appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. KISTIN. Yes, sir; I am.

Mr. ARENS. Are you represented by counsel?

Mr. KISTIN. Yes, sir.

Mr. ARENS. Will counsel kindly identify himself?

Mr. YOUNG. Benjamin Loring Young of Boston, a member of the bar of the Commonwealth of Massachusetts and the Federal bars of New England.

Mr. ARENS. Are you associated with others in the practice of the law?

Mr. YOUNG. No, I practice alone.

Mr. ARENS. Mr. Kistin, please give us the place and date of your birth.

Mr. KISTIN. I was born in Paris, France, on March 6, 1909.

Mr. ARENS. When did you come to the United States?

Mr. KISTIN. We came to the United States in 1912.

Mr. ARENS. Are you a citizen of the United States?

Mr. KISTIN. Yes, I am.

Mr. ARENS. When were you naturalized?

Mr. KISTIN. By derivation through my father's citizenship papers in May of 1925. I believe that is correct, sir.

Mr. ARENS. Give us if you please, sir, a word with respect to your education prior to the time you became self-sustaining.

Mr. KISTIN. I was educated in the schools of New York City and got my bachelor's degree at the University of Wisconsin in 1935.

Mr. ARENS. What degree did you receive from that university?

Mr. KISTIN. Bachelor of Arts degree. I got my law degree in Harvard Law School in 1949.

Mr. ARENS. What did you do between 1935 and 1949?

Mr. KISTIN. Between 1935 and 1949 I spent approximately 7½ years in the civilian Government service and a little over 3½ years, I believe, in the Armed Forces.

Mr. ARENS. Would you please pick it up in 1935 after you received your bachelor of arts degree from the University of Wisconsin? Tell us the agency of Government in which you were employed and the approximate dates.

Mr. KISTIN. I was employed by the WPA in 1935, I believe it was the early part of 1935, and I was employed there until sometime in 1940.

Mr. ARENS. Where was this employment?

Mr. KISTIN. In Washington, D. C., sir.

Mr. ARENS. In what capacity were you employed?

Mr. KISTIN. As a clerk. I believe, I don't want to be held to this but I believe the title was some form of statistical clerk. It was a clerical job.

Mr. ARENS. Just in skeleton form continue with an outline of your employment.

Mr. KISTIN. I was then employed by the Farm Security Administration in the Department of Agriculture between 1940 and 1942, when I entered the Armed Forces.

Mr. ARENS. Give us a thumbnail sketch of your Army service. You entered in 1942?

Mr. KISTIN. In 1942.

Mr. ARENS. Where did you serve?

Mr. KISTIN. I served both here and abroad. I believe I entered the Army in about May of 1942. If the date is essential, I might be able to check it for you.

Mr. ARENS. No; that is substantially accurate enough.

Mr. KISTIN. Do you want details?

Mr. ARENS. Where did you serve?

Mr. KISTIN. In the Pacific theater. I was in this country from May of 1942, the date of my induction, whatever the date is, until sometime in 1943, and then I went to Guadalcanal. I was there about 15 months, I believe.

I then went to the Philippines, and thereafter to Japan for a few months, and I was then sent home and discharged.

Mr. ARENS. Pick up the thread of your narrative there, if you please, sir.

Mr. KISTIN. I was then, after a short period, employed by the War Assets Administration.

Mr. ARENS. In Washington?

Mr. KISTIN. Yes, sir.

Mr. ARENS. In what capacity?

Mr. KISTIN. My exact title I don't remember; it was some form of statistical work that I did, I believe. I don't remember, but I think it was some economist's grade, but again I would not recall exactly.

Mr. ARENS. Did you likewise about that period work in the RFC?

Mr. KISTIN. Sir, may I say at this point, with respect to employment and official statements as to payroll attachments, I would not know.

Now that you mention the RFC, I have some vague recollection that there were some payroll affiliations as between the War Assets and the RFC, but in commonsense layman's language, I understood that I was working for the War Assets Administration.

Mr. ARENS. For how long did you work in this agency, whether it is RFC or War Assets Administration?

Mr. KISTIN. I worked for the War Assets Administration, I am quite sure, for less than a year.

Mr. ARENS. That gets us to about when?

Mr. KISTIN. It gets us to about the beginning of 1947, at which point I left and entered the Harvard Law School.

Mr. ARENS. Was that about January of 1947?

Mr. KISTIN. Yes, sir; I believe that is right.

Mr. ARENS. If you please, sir, cover the rest of the period until the present date.

Mr. KISTIN. Thereafter I went to the Harvard Law School and was graduated and was pretty much on my own for a short while, I don't know how short, a year and a half perhaps, worked at temporary research jobs, whatever I could get until my present affiliation I believe in October, yes, I believe it was October, of 1951.

No, I am sorry; strike that. I believe it was February of 1951 when I made my present association.

Mr. ARENS. During the course of your employment back in WPA, did you have occasion to become acquainted with and did you become acquainted with an individual by the name of James E. Gorham, G-o-r-h-a-m?

Mr. KISTIN. With respect to that question, sir, I shall decline to answer it and I should like at this point, if I may, to state the several grounds upon which I shall decline to answer that question, as well as all similar questions with, if I may, the understanding, sir, that with respect to future questions you might ask, if I should designate the same answer I mean that I decline to answer on all of the grounds which I should now like to state severally and individually.

First, sir, on the ground that under our Constitution I may not be compelled to testify as a witness against myself.

The CHAIRMAN. As a lawyer, you know there is more to the constitutional provisions than you just stated.

Mr. KISTIN. Yes, sir; I do.

Mr. ARENS. This is not a criminal proceeding.

Would you hesitate right at that point, sir?

Mr. KISTIN. No, sir; I should like to state all of my grounds and I should also like to say that I have no intention of being provocative when I do so. I merely would like to state the grounds without getting involved in a legal justification for the grounds which I, with all due deference, don't feel constrained to do.

My second ground for declining is that our Constitution guarantees us the rights of freedom of speech and of assembly.

Furthermore, on the ground that these proceedings, in my view, are contrary to the spirit of due process and the separation of powers and, finally, sir, on the ground that this line of questioning can serve no legislative purpose, particularly with respect—

The CHAIRMAN. There is nothing in the Constitution which warrants your advancing that as a reason for not answering a question.

The question of whether or not the Congress is proceeding properly in protection of the rights and the privileges of the citizens and security is one for the Congress. The Supreme Court, by a long line of decisions, has laid down that rule.

We are concerned with legislation. We are at the present moment considering legislation designed to prevent a repetition of the sort of thing that these hearings have revealed existed.

If you have constitutional reasons for declining to answer, that is one thing. You have given us the constitutional reasons.

Proceed.

Mr. KISTIN. I merely intended to answer that last ground was particularly with respect to the identification of names.

The CHAIRMAN. You have injected something into this hearing that is not properly before this committee. It is argumentative for another thing.

Mr. KISTIN. I am sorry, sir; I did not mean to be argumentative.

Mr. ARENS. Mr. Witness, Mr. James Gorham testified before this committee under oath that while he was employed with the WPA about the same period of time you were employed there, that he knew you to a certainty as a member of the Communist Party. Was he lying or was he telling the truth?

Mr. KISTIN. I decline to answer, sir, on the same grounds as previously stated.

Mr. ARENS. Your Federal service record, as you have indicated here, shows that you were transferred from one agency to another. Were you ever in the Agriculture Department?

Mr. KISTIN. Yes, sir; I have already said that I was with the Farm Security Administration in that Department between 1940 and the time that I entered the Armed Forces.

Mr. ARENS. Was your appointment in the Agriculture Department directly or indirectly, to your knowledge, occasioned by the activity of any person known by you to be a member of the Communist Party?

Mr. KISTIN. My employment with the Farm Security Administration, to answer the question in detail, was as a result of my inquiring around to find out where I could get some employment other than WPA, because I had become displeased with where I was, and discovering that there was possibly an opening in Farm Security, sir, I went up there and applied. I have no knowledge of the source of my information at the present time.

Mr. ARENS. Would you accommodate the committee, Mr. Kistin, by signing your name for us?

(Witness confers with counsel.)

Mr. KISTIN. On advice of counsel, sir, I shall decline to do so on the same grounds.

Mr. ARENS. You feel that if you would sign your name and accommodate this committee to that extent, you would be furnishing information which might be used against you in a criminal proceeding; is that correct?

Mr. KISTIN. I decline, sir, on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer this question.

The CHAIRMAN. You are directed to answer.

Mr. KISTIN. I respectfully decline on the same grounds.

Mr. ARENS. Mr. Kistin, I lay before you a photostatic copy of an application for Federal employment in which appears the signature of a person, Marcel S. Kistin, K-i-s-t-i-n, and ask you if that is your signature.

(Witness confers with counsel.)

Mr. KISTIN. I beg your pardon, sir. How did you identify this?

Mr. ARENS. It is a photostatic copy of a document entitled "Application for Federal Employment," on the back of which appears a signature, Marcel S. Kistin, K-i-s-t-i-n, and I ask if that is your signature.

Mr. KISTIN. I decline, sir, respectfully, on the same grounds.

Mr. ARENS. What grounds?

Mr. KISTIN. On the grounds that I have previously stated.

Mr. ARENS. Do you honestly feel that if you should answer a question as to whether or not this is your signature on the document which I hold in my hand that you would be supplying information which could be used against you in a criminal proceeding?

Mr. KISTIN. I decline to answer, sir, on the same grounds.

Mr. ARENS. I respectfully suggest, Mr. Chairman, the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer that question.

Mr. KISTIN. I respectfully decline, sir, on the same grounds.

Mr. ARENS. Mr. Kistin, may I invite your attention to question No. 26 on this photostatic copy of the document entitled "Application for Federal Employment," and the date, may I say is June 24, 1946. Question No. 26 is:

Do you advocate or have you ever advocated or are you now or have you ever been a member of any organization that advocates the overthrow of the Government of the United States by force or violence? If your answer is "Yes," give complete details in item 38.

On this particular document, Mr. Kistin, you will observe that the answer there is "No."

Did you cause that answer to be inserted on the original of the document, the photostat of which I am laying before you?

Mr. KISTIN. I respectfully decline to answer, sir, on the same grounds.

Mr. ARENS. Do you honestly apprehend that if you gave a truthful answer to this question I just asked you that you would be supplying information which could be used against you in a criminal proceeding?

Mr. KISTIN. I decline, sir, on the same grounds.

Mr. SCHERER. I ask that he be directed to answer that question. That is a test that we must ask under the Supreme Court's decision.

The CHAIRMAN. You are directed to answer.

Mr. KISTIN. Would you please repeat that question?

Mr. ARENS. Do you honestly apprehend that if you should give a truthful answer to the question which I have previously posed to you, with respect to Question 26 of this form, that you would be supplying information which could be used against you in a criminal proceeding?

(Witness confers with counsel.)

Mr. KISTIN. I respectfully decline, sir, on the same grounds.

Mr. SCHERER. Mr. Chairman, he must answer that question in the affirmative.

The CHAIRMAN. He has declined.

Mr. SCHERER. I understand, but the purpose is to show whether or not he is invoking the fifth amendment in good faith.

The CHAIRMAN. That is up to him.

Mr. ARENS. On June 26 of 1946, did you fill out an application for Federal employment?

Mr. KISTIN. I don't recall filling out an application for Federal employment—strike that. You said when—I beg your pardon?

Mr. ARENS. On June 24, 1946, did you fill out an application for Federal employment?

Mr. KISTIN. I decline respectfully, sir, on the same ground.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer that question.

Mr. KISTIN. I respectfully decline on the same grounds.

Mr. ARENS. Did you on June 24, 1946 make a representation to your Government that you have never advocated, or have never been a member of an organization that advocates, the overthrow of the Government of the United States by force or violence?

Mr. KISTIN. I respectfully decline to answer, sir, on the same grounds.

Mr. ARENS. As of June 24, 1946, were you a person who had never been a member of an organization that advocated the overthrow of the Government of the United States by force or violence?

Mr. KISTIN. I respectfully decline, sir, on the same grounds.

Mr. ARENS. Who was your supervisor, while you were in the Agriculture Department?

Mr. KISTIN. At the Department of Agriculture, I was in the Farm Security. I believe it was called the Labor Division, and the chief of the Labor Division was Nathan Gregory Silvermaster.

Mr. ARENS. Can you further identify him for us?

Mr. KISTIN. With respect to what?

Mr. ARENS. Tell us what you might know about him.

Mr. KISTIN. He was my chief at the Labor Division.

Mr. ARENS. Is that the only thing you knew about him?

Mr. KISTIN. With respect to my official work in the Government?

Mr. ARENS. Let us not quibble; you know what I am driving at. What association did you have with Nathan Gregory Silvermaster while you were in the Labor Division?

Mr. KISTIN. My association with Nathan Gregory Silvermaster was as employee and employer.

Mr. ARENS. Is that the only relationship you had with him?

Mr. KISTIN. I was not attempting to quibble, sir. What I had in mind is that it is perfectly clear to this committee as it is to me that Mr. Silvermaster's name figured prominently with respect to this committee, and that is the only thing I had in mind.

The CHAIRMAN. I would not limit that to just this committee.

Mr. KISTIN. I didn't follow his career that closely.

Mr. ARENS. He has been identified as an agent of a foreign-controlled conspiracy dedicated to the violent overthrow of this Government, has he not?

Mr. KISTIN. On the basis of reports that I have read in the newspaper.

Mr. ARENS. Is that the only information you have respecting any identification he may have had with this Communist conspiracy?

Mr. KISTIN. Yes, sir.

Mr. ARENS. Were you at any time a member of any organization in concert with Nathan Gregory Silvermaster?

Mr. KISTIN. I should like you to identify more clearly what you mean by organization. If he and I were both members of the Republican or Democratic Party, I should—

Mr. ARENS. Let us do it this way:

Let us enumerate every organization in which you and Nathan Gregory Silvermaster were co-members.

Mr. KISTIN. I am not aware of having been a co-member with Nathan Gregory Silvermaster. I have no knowledge of having been a co-member with Nathan Gregory Silvermaster in any organization other than my official contact with Mr. Silvermaster.

Mr. ARENS. While you were in the Agriculture Department, did you possess knowledge that Nathan Gregory Silvermaster was a Communist?

Mr. KISTIN. No, sir; I did not.

Mr. ARENS. Did you at any time, prior to the public revelations of Nathan Gregory Silvermaster's Communist Party membership, acquire knowledge that he was a Communist?

Mr. KISTIN. No, sir; I did not.

Mr. ARENS. I take it then that you and Nathan Gregory Silvermaster were not engaged in concert in any Communist Party activity; is that correct?

Mr. KISTIN. I have already answered that question, sir.

Mr. ARENS. Will you answer it again?

Mr. KISTIN. My answer was that I have no knowledge that Nathan Gregory Silvermaster and I were together in any organization. I have no knowledge of that. I have no present knowledge of having been with him in any organization.

Mr. ARENS. Were you a member of the Communist Party while you were engaged in the services of the Federal Government in the Agriculture Department with Nathan Gregory Silvermaster as a supervisor?

Mr. KISTIN. I decline to answer that question on the same grounds.

Mr. ARENS. Were there any persons, to your knowledge, within the Agriculture Department, with yourself excluded, who were members of the Communist Party?

Mr. KISTIN. I decline to answer that question, sir, on the same grounds.

Mr. ARENS. To your knowledge did Nathan Gregory Silvermaster have anything to do with your appointment at the Agriculture Department?

Mr. KISTIN. Not to my knowledge; no, sir.

Mr. ARENS. Had you known him prior to the time that you assumed your status in the Agriculture Department?

Mr. KISTIN. No, sir.

Mr. ARENS. While you were working for the Federal Government in any of these agencies you have described, did you at any time transmit information which came to you in the course of your employment, to a person who was not by law entitled to receive the same?

Mr. KISTIN. I have never knowingly done so; no, sir.

Mr. ARENS. Did you at any time ever deny Communist Party membership to your Government?

Mr. KISTIN. I decline to answer that on the same grounds.

Mr. ARENS. Did you ever possess a Communist Party card?

Mr. KISTIN. I decline to answer on the same grounds.

Mr. ARENS. Are you now a member of the Communist conspiracy?

Mr. KISTIN. I believe I have already answered that question. I decline to answer that one on the same grounds, sir.

Mr. ARENS. What were the reasons for your resignation from the War Assets Administration?

Mr. KISTIN. I resigned from the War Assets Administration in order to realize a lifelong ambition and go to law school.

Mr. ARENS. Were you a member of the Communist Party as of the time you disassociated yourself from the Federal Government?

Mr. KISTIN. I respectfully decline to answer that one, sir, on the same grounds.

Mr. ARENS. To your knowledge, have you ever been the subject of a loyalty hearing?

Mr. KISTIN. I don't recall ever appearing at a loyalty hearing. Whether or not I had been investigated, I don't know.

Mr. ARENS. Do you have any knowledge that you have been investigated?

I think we can put it a little more affirmatively on this record.

Mr. KISTIN. I beg your pardon; yes, sir, I do. I believe that there was—I am not sure of this—I believe there was a security check done while I was in the Army. I don't know why. I understood, I was told, as I recall it, that it was a routine security check in connection with—

Mr. ARENS. Did you in the course of your employment in the Federal Government or in the course of your service in the United States Army ever have access to confidential or restricted information?

Mr. KISTIN. I don't believe so, sir, except to this extent: That in the Army obviously I had contact with a great deal of information which might have been of some use to the enemy had they gotten it. I presume that every soldier—

Mr. ARENS. Would it have been of use to the Soviet Union?

Mr. KISTIN. I haven't any idea to whom it might have been of use. It was our information. I am talking now—I was in the engineer depot on Guadalcanal for 15 months—and I suppose if the Japanese knew what was in that depot it might have been of some use to them. In fact, while I was there they blew up one of the ships in the harbor.

Mr. ARENS. Did you ever know a man by the name of Herbert Fuchs?

Mr. KISTIN. I decline to answer that question on the same grounds.

Mr. ARENS. As a practicing lawyer, prerequisite to admission to the bar, did you take an oath to sustain and defend and protect the Constitution of the United States against all enemies, foreign and domestic?

Mr. KISTIN. Yes, sir; I did.

Mr. ARENS. Did you take a comparable oath as a prerequisite to service in the United States Army?

Mr. KISTIN. Yes, sir; I believe I did. I don't remember the incident, but I am sure I did.

Mr. ARENS. Did you take a comparable oath as an employee of the Federal Government?

Mr. KISTIN. Yes, sir; I believe I did.

Mr. ARENS. I ask you now, whether or not you are now or ever have been, a member of an organization that is dedicated to the destruction of the Constitution of the United States?

Mr. KISTIN. I decline to answer that on the same ground, and I should like to point out, if I may, that I am and always have been a loyal citizen of this country.

The CHAIRMAN. Why do you not answer the question? Why do you not answer the question whether or not you have been a Communist and then we will clarify a lot of this atmosphere?

I do not know how anyone could be a loyal citizen, except in his own mind, who is a member of the Communist Party.

Mr. ARENS. If you are a loyal citizen of the United States, why do you not stand up like a red-blooded American and say, "Yes, I have taken an oath to defend the Constitution of the United States and I am not. I have never been, a member of a foreign-controlled conspiracy to destroy it"?

Mr. KISTIN. I should be very happy to take the same oath at any time, sir.

Mr. DOYLE. Mr. Chairman, may I supplement distinguished counsel's observation. You just said you will be willing to take the same oath again.

May I suggest that every member of the committee sitting here this morning is also a member of the bar the same as you are. If it be the fact that you claim to be a loyal citizen under your taking of three oaths to that effect, if it be the fact that you have been a member of the Communist Party and are not now, why do you not say so; clean up and get out of that mess and start in and fulfill 100 percent your oath of office as a member of the bar?

We have had other men in times past who have been members of the Communist Party and got their fill of it and got out. As a member of the bar if you are in that situation, why do you not say so and clean up and face the mistake that was made if you made that mistake?

I am saying that with all sincerity to you, sir, as a fellow member of the bar.

I can understand how, prior to 1945, prior to the Duclos letter or shortly thereafter, some American men with some degree of sincerity did join the Communist Party, but I do not understand how you, or any other adult American beginning 2 or 3 years after the Duclos letter would dare to stay in the Communist Party or defend the Communist conspiracy and then claim to be a loyal American citizen.

You were born in France from where Duclos wrote this letter in 1945 and got rid of Earl Browder.

I want to urge you to take that position whether you take it this morning or not, get it in your heart and soul and mind that the time has come for you to clean up from every affiliation you have had as a Communist. I will give you the benefit of it if you have been, and come clean enough so that you do not now have to hide behind the fifth amendment for fear that it might incriminate you in a criminal proceeding if you told the truth.

If I have lectured you as a fellow member of the bar, that is what I mean to do.

The CHAIRMAN. Have you any questions, Mr. Frazier?

Mr. FRAZIER. No questions.

The CHAIRMAN. Mr. Scherer?

Mr. SCHERER. Yes.

Mr. Witness, I understand that the only reason you have refused to answer questions of counsel and invoked the fifth amendment is that you fear that if you did answer them you feel you might tend to incriminate yourself?

Mr. KISTIN. Well, sir, I did not put it that way. I set forth several grounds on which I respectfully declined to answer the questions which I declined to answer.

The CHAIRMAN. Yes, the three grounds.

Go on, Mr. Scherer.

Mr. SCHERER. I have no further questions.

Mr. ARENS. Mr. Chairman, may I make a call of a witness?

The CHAIRMAN. Yes.

Mr. ARENS. Mrs. Sylvia Soloff Steinberg was to be here at the convening of this session. She did not present herself.

If she is in the room now, I ask if she would kindly stand so we can tell her when we will reconvene?

Is her counsel here, by any chance?

The CHAIRMAN. The committee will stand in recess, to meet at 2:30.

Mr. YOUNG. Mr. Chairman, is this witness excused?

The CHAIRMAN. The witness is excused.

(Whereupon, at 12 noon, the subcommittee recessed, to reconvene at 2:30 p. m., of the same day.)

AFTERNOON SESSION—THURSDAY, FEBRUARY 16, 1955

(The following members of the committee were present: Representatives Walter (presiding) Doyle, Frazier, and Scherer.)

The CHAIRMAN. The committee will be in order.

Call your first witness, Mr. Arens.

Mr. ARENS. Will Mrs. Sylvia Soloff Steinberg please come forward?

Kindly remain standing and raise your right hand and be sworn.

The CHAIRMAN. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. STEINBERG. I do.

TESTIMONY OF MRS. SYLVIA SOLOFF STEINBERG, ACCOMPANIED
BY COUNSEL, GLORIA AGRIN

The CHAIRMAN. Be seated, please.

Mr. ARENS. Will you kindly identify yourself by name, residence, and occupation.

Mrs. STEINBERG. Sylvia Steinberg, New York City, unemployed—housewife at present.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you?

Mrs. STEINBERG. That is true.

Mr. ARENS. Are you represented by counsel?

Mrs. STEINBERG. I am.

Mr. ARENS. Will counsel kindly identify herself.

Miss AGRIN. I am from the firm of Blanch Freedman & Gloria Agrin. I am Gloria Agrin. My address is 220 Broadway, New York City.

Mr. ARENS. Mrs. Steinberg, will you give us a word of your personal background prior to the time that you reached adulthood and became self-sustaining—where you were born and a word about your education?

Mrs. STEINBERG. I was born in New York City. I went to public and high school in New York City.

Mr. ARENS. Did that complete your formal education?

Mrs. STEINBERG. Yes.

Mr. ARENS. When did you complete your high school courses?

Mrs. STEINBERG. 1931, I believe, or 1932. I don't remember exactly.

Mr. ARENS. Would you kindly give us a thumbnail sketch of your employment after you completed your formal education?

Mrs. STEINBERG. I decline to answer that question under the fifth amendment to the Constitution.

Mr. ARENS. We are having difficulty hearing you.

Mrs. STEINBERG. I decline to answer that question under the fifth amendment to the Constitution.

Mr. ARENS. Perhaps you didn't understand the question. May I be certain that you do? I am asking you to give an enumeration of the employments which you had after you completed your high school training—the jobs that you held.

Mrs. STEINBERG. Yes, I understand that, and I still maintain under the fifth amendment—

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

The CHAIRMAN. I direct you to answer the question.

Mrs. STEINBERG. May I consult with counsel on that?

The CHAIRMAN. Certainly.

(The witness conferred with her counsel.)

Mrs. STEINBERG. I still decline under the fifth amendment.

Mr. ARENS. Did you, after you completed your high school education, obtain employment at any time in the Federal Government?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. SCHERER. I ask that you direct the witness to answer the question if she obtained employment in the Federal Government.

The CHAIRMAN. Let me get it straight. Do I understand you to feel that to admit that you have been employed by this great Republic might cause you to be indicted and prosecuted criminally? Is that what you believe?

Mrs. STEINBERG. I still decline to answer that on the same grounds.

The CHAIRMAN. I direct you to answer the question asked by Mr. Arens.

Mr. SCHERER. I think it should be made clear to the witness that we do not accept her answer and feel she is improperly invoking the fifth amendment and if she continues to invoke it to such questions, in the opinion of at least this member of the committee she is in contempt.

Mrs. STEINBERG. I would like to discuss that with my counsel.

The CHAIRMAN. She has counsel.

(The witness conferred with her counsel.)

Mrs. STEINBERG. I still decline to answer under the fifth amendment.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that beginning on or about December of 1935 you were employed in the United States Employees' Compensation Commission in Washington, D. C.

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. I respectfully suggest to the chairman that she be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question.

Mrs. STEINBERG. I still decline under the fifth amendment.

Mr. ARENS. I ask you to affirm or deny the fact, which I charge, that in January of 1936 or thereabouts you were employed in the Interstate Commerce Commission in Washington, D. C.

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that she be ordered and directed to answer that question.

The CHAIRMAN. I direct you to answer the question.

Mr. SCHERER. Without repeating it I want to make the same admonition to the witness as I made to her when she refused to answer the question as to whether or not she was ever employed by the Federal Government.

The CHAIRMAN. Yes. I don't want counsel to think that we are presuming to advise her client, but after all the rule has been laid down, and that is why we are advising that we don't believe her refusal to answer is in good faith.

Miss AGRIN. I understand my client has asked my advice and the choice is hers in relation to asserting the privilege.

Mr. ARENS. I am a little uncertain as to the status of this record.

Mr. Reporter, isn't the last item the question which is unanswered?

Would you kindly answer the question?

Mrs. STEINBERG. I decline to answer under the fifth amendment.

Mr. SCHERER. I think we should further state, as we did this morning, Mr. Chairman, that we are presently investigating the infiltration of the Communist conspiracy into agencies of the Government. This question relates to this witness' possible employment by the Government. We are now in the process of considering legislation which would prevent such infiltration in the future.

Mr. ARENS. I respectfully suggest that beginning in the 8th month of 1941 or thereabouts you were employed in the Treasury Department, Internal Revenue Bureau, New York City, and I ask you to affirm or deny that fact.

Mrs. STEINBERG. I decline to answer on the same basis.

Mr. ARENS. I respectfully suggest that the witness be ordered and directed to answer this question.

The CHAIRMAN. You are directed to answer the question.

Mrs. STEINBERG. I decline on the same grounds.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that in 1942 you were employed in that same agency in a typist position. Is that correct?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. I respectfully suggest that the witness be ordered and directed to answer this question.

The CHAIRMAN. You are directed to answer the question.

Mrs. STEINBERG. I still decline on the same grounds.

Mr. ARENS. After the conclusion of this period of time which I have covered by these questions, were you engaged in any employment of any character whatsoever?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. I respectfully suggest that the witness be ordered and directed to answer that question.

The CHAIRMAN. You are ordered to answer that question.

Mrs. STEINBERG. I decline to answer on the same grounds.

Mr. ARENS. Let us clear the record with a few general questions, if you please.

Were you at any time in the employ of the Government of the United States?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer the question.

The CHAIRMAN. You are directed to answer the question.

Mrs. STEINBERG. I decline to answer on the same grounds.

Mr. ARENS. Would you kindly recite to the committee any employment which you have had in the course of your life since you completed your formal education in New York City?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Have you worked any place at all other than in the Federal Government?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. SCHERER. What are those grounds again?

Mrs. STEINBERG. The grounds of the fifth amendment.

Mr. SCHERER. Witness, you have refused to answer all questions asked by counsel up to this point, invoking your privilege not to answer on the basis of the fifth amendment, which is to the effect that to answer the questions asked might tend to incriminate you. During the 83d Congress a law was passed which gives this committee the right, with the approval of the Federal Courts, to grant you immunity from prosecution. If this committee, with the approval of the Federal Courts, should grant you immunity from prosecution, would you then answer the questions?

Mrs. STEINBERG. I would like to discuss that with my counsel.

(The witness conferred with her counsel.)

(The following members of the committee were present: Representatives Walter, Doyle, Frazier, Kearney, and Scherer.)

Mrs. STEINBERG. I would not want a grant of immunity. I would continue to assert my rights under the fifth amendment.

Mr. SCHERER. Let us get this clear. You are pleading the fifth amendment because you say at this point that if you do answer the questions asked by counsel, such answers might tend to incriminate you. Do you understand what I say? This committee has the right under the law to grant you immunity which would mean that if you did answer the questions, you could not possibly be prosecuted as the result of any of the answers you might give. My question was that if such immunity were granted so that you would be free from prosecution as a result of any answers you might give, would you still then refuse to answer the committee's questions?

Miss AGIN. Mr. Scherer, I don't want to intrude myself into this committee discussion contrary to the rules, but I believe that you are asking the witness questions of such a technical nature in relation to the coverage of immunity act that, as a matter of fact, is now on test before the Supreme Court of the United States, that I would think it would be grossly unfair to expect an answer without a full and lengthy consultation with counsel. I can't possibly hope to advise her in one moment.

The CHAIRMAN. Go ahead and have a conference and then advise her.

Miss AGRIN. May we step outside, sir?

The CHAIRMAN. Certainly.

(The witness and her counsel left the hearing room to confer, and later returned to the hearing room.)

Miss AGRIN. Mr. Chairman, I wonder if I might address a remark to the committee?

The CHAIRMAN. Have you advised your client?

Miss AGRIN. Yes, yet this is a subject which is of such technical extent that it is almost impossible for a client to answer. I assume she has made up her mind about what she wants to say, but there are questions in relation to the validity of that law, the coverage of that law, the constitutionality of that law, all of which go into making up a client's mind.

The CHAIRMAN. Yes; I know, but we are conducting an inquiry. This is not a trial. We are conducting an inquiry because of our interest in trying to prevent subversive elements from infiltrating our Government again.

Miss AGRIN. I am not trying to intrude, Mr. Chairman.

The CHAIRMAN. You know the rules. You advise your client if you feel that her rights are being impaired or if she is about to say something which might subject her to a criminal prosecution. The question is, if she were assured that she couldn't be prosecuted, would she then cooperate with the Congress of the United States in protecting your Republic?

Miss AGRIN. The only point I did want to make is that this offer of immunity is made under a specific law and it can't be broader than that law and there is question as to that law.

The CHAIRMAN. I know that, but we are gentlemen. If Mr. Scherer indicates the committee would take that course, I am sure that it would.

You answer the question. If you were guaranteed that you would not be prosecuted for anything that you said here, would you cooperate with the Congress of the United States in its efforts to protect America by answering the questions we see fit to ask you?

Mrs. STEINBERG. As I understand the law under which this immunity would be granted, there are too many uncertainties about it. The validity of the law has not even yet been ascertained. I feel that my rights are still better protected under the fifth amendment, and therefore I would assert the fifth amendment.

Mr. ARENS. Did you ever take a loyalty oath as an employee of the Government of the United States?

Mrs. STEINBERG. I decline to answer that question on the fifth amendment.

Mr. ARENS. Have you ever taken an oath of allegiance to defend and protect the Constitution of the United States?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that that question ought to be answered.

The CHAIRMAN. Yes. You are directed to answer that question.

Mrs. STEINBERG. I decline to answer on the same grounds.

Mr. ARENS. Were you ever employed by the United Federal Workers?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. What is the United Federal Workers, or what was it?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. SCHIERER. I ask that the witness be directed to answer.

The CHAIRMAN. You are directed to answer the question.

Mrs. STEINBERG. I decline to answer on the same grounds.

Mr. ARENS. Did you ever know a person by the name of James E. Gorham?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. James Gorham, after taking an oath, testified before this committee in public session to the effect that you were a member of a Communist group and an employee of a committee of the United States Senate. Was he lying or was he telling the truth?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Have you ever known a person by the name of Mary Markward or Mary Stalcup?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Mrs. Steinberg, I should like to read to you an excerpt from testimony given under oath before this committee on February 15, 1951, by Mrs. Markward, who was then identifying people known by her to have been in the Communist apparatus.

Mrs. MARKWARD. Sylvia Soloff. She lived with Joyzell Shore.

Question. What was her occupation?

Answer. She worked for the United Federal Workers.

Question. If any of the individuals you are naming worked for the Government, so state.

Answer. None of them did. I believe she was a member of the Community Club. I believe she left here the end of 1948. I think she left here just after the 1948 convention.

Were you at any time identified as Sylvia Soloff?

Mrs. STEINBERG. My maiden name was Soloff.

Mr. ARENS. Was Mrs. Markward telling the truth or was she lying in her testimony before this committee which I have just read to you?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Did you ever know a person by the name of Joyzell Shore?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Did you ever live in Washington, D. C.?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness should be ordered and directed to answer the question as to whether or not she ever lived in Washington, D. C.

The CHAIRMAN. I direct you to answer the question because, certainly, it isn't a crime to live in Washington, D. C.

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Enumerate to this committee, if you please, the cities in which you have lived since you reached adulthood?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer the question as to the cities in which she has lived since she reached adulthood.

The CHAIRMAN. You are directed to answer the question.

Mrs. STEINBERG. I decline to answer on the same grounds.

Mr. ARENS. Have you ever applied for a United States passport?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question.

Mrs. STEINBERG. I decline to answer on the same grounds.

Mr. ARENS. Have you ever traveled outside the continental United States?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. I respectfully suggest that the witness be directed to answer the question.

The CHAIRMAN. You are directed to answer the question.

Mrs. STEINBERG. I decline to answer.

Mr. ARENS. Did you ever know a person by the name of Diana Fiske, F-i-s-k-e?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. SCHERER. Mr. Counsel, may I ask you a question?

I wasn't here on Monday. Did Mr. Gorham identify that this witness was an employee with him in the Senate Wheeler committee setup?

Mr. ARENS. Yes. He identified a person by the name of Sylvia Soloff Steinberg, as a person who was, to his certain knowledge, a member of a Communist cell connected as an adjunct to the Senate Wheeler committee.

Would you kindly tell this committee of the Congress the organizations of which you are a member at the present time?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Do you belong to a church?

Mrs. STEINBERG. I decline to answer that question.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer that question.

Mrs. STEINBERG. I decline to answer on the same grounds.

Mr. ARENS. Do you belong to any social clubs, card clubs, sewing clubs or anything of that character?

Mrs. STEINBERG. I decline to answer the question.

Mr. ARENS. I respectfully suggest that the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question.

Mrs. STEINBERG. I decline to answer on the same grounds.

Mr. ARENS. Do you belong to any clubs or organizations of the nonsensitive, completely patriotic, social variety?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question.

Mrs. STEINBERG. I decline to answer on the same grounds.

Mr. ARENS. Have you been identified in any organization with your counsel?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Do you mean to tell this committee that if you would tell the truth as to whether or not you have been identified in any organization with the counsel who is at your right, who represents you in this proceeding, you would be furnishing information which could be used against you in a criminal proceeding?

Mrs. STEINBERG. I decline to answer that question.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer the last principal question.

The CHAIRMAN. You are directed to answer the question.

Mrs. STEINBERG. I decline to answer on the same grounds.

Mr. ARENS. Do you know whether or not your counsel is a Communist?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. In what political activity have you engaged?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. You were employed by the National Wallace for President Committee in 1948, were you not?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that in 1948 you were employed with the National Wallace for President Committee.

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Have you been a peace partisan in your career, in the last few years?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be directed to answer the question.

The CHAIRMAN. You are directed to answer the question.

Mrs. STEINBERG. I decline to answer.

Mr. ARENS. As a matter of fact, you were either an officer or an employee of the Peace Information Center in New York City, were you not?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Who is Mrs. Dan Rubenberg? Could you help us?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Have you ever heard of an organization called Peace Information Center?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

The CHAIRMAN. Just a minute. The Peace Information Center?

Mr. ARENS. Yes.

The CHAIRMAN. You decline to answer the question about Peace Information Center on the grounds that to answer it might tend to incriminate you, is that it?

Mrs. STEINBERG. I decline to answer on the basis of the fifth amendment.

The CHAIRMAN. Am I to understand from that, that this Peace Information Center is a Communist-front operation?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. It was connected with the Stockholm Peace Appeal, was it not?

Mrs. STEINBERG. I decline to answer that question.

The CHAIRMAN. The Stockholm Peace Appeal was a Communist-front operation.

Mr. ARENS, why don't we go into the question of the fronts?

Mr. ARENS. Have you been identified at any time with the American Committee for Protection of Foreign Born?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. In the course of your political activities and your extra-curricular activities during your lifetime, has it been brought to your attention that the American Committee for Protection of Foreign Born has in the course of the last 2 years created in this Nation 100 organizations as fronts within fronts, in front of the fronts, in 15 key cities for the avowed purpose of destroying the Immigration and Nationality Act of this country?

Mrs. STEINBERG. I decline to answer this question on the same grounds.

Mr. ARENS. Have you been in any activity in concert with Abner Green, executive secretary of the American Committee for Protection of Foreign Born?

Mrs. STEINBERG. I decline to answer this question on the same grounds.

Mr. ARENS. Have you been active at any time with the National Committee for the Repeal of the McCarran Acts, the Internal Security Act of 1950, and the Immigration and Nationality Act of 1952?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. It is a fact, is it not, that the destruction of the McCarran-Walter Act and of the Internal Security Act are No. 1 and No. 2 priorities on the program of the International Communist conspiracy within the United States?

Mrs. STEINBERG. I decline to answer that question on the same ground.

Mr. SCHERER. This witness is certainly in a position to know that.

The CHAIRMAN. We would like to know about the fronts that the American Committee for Protection of Foreign Born have set up because actually a lot of well-meaning, innocent people, have been duped. You can help us. Why don't you? Why don't you tell us what you know about the activities of Abner Green's organization?

Mrs. STEINBERG. I still must decline to answer that question.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that you were a key official in Washington, D. C., of the Communist Political Association in 1945.

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that you were a member of the American League for Peace and Democracy in the Washington branch.

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Are you married?

Mrs. STEINBERG. Yes.

Mr. ARENS. When were you married?

Mrs. STEINBERG. A year ago.

Mr. ARENS. Is that your first marriage?

Mrs. STEINBERG. Yes.

Mr. ARENS. What is your husband's name, please?

Miss AGRIN. Mr. Chairman, I understand under the rules of your committee you are not going to ask about family matters. Unless you are changing the rules, I respectfully suggest that the question should not be asked.

The CHAIRMAN. We are not changing the rules at all. This is just a matter of identification. We want to make certain that the witness we are interrogating is the person that our staff believe they are talking to, and, of course, because of a change of names there is a possibility of a mistake. We want to make sure there is no mistake.

Mr. ARENS. Would you kindly answer the question?

Miss AGRIN. May we have the question read back?

(The question was read.)

Mrs. STEINBERG. I decline to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer the question as to her husband's name.

The CHAIRMAN. You are directed to answer the question.

Mrs. STEINBERG. I decline to answer.

Mr. ARENS. Do you mean to tell me that if you were to tell the committee of the Congress charged with the duty of investigating subversion in this Government the name of your husband you would be giving information which could be used against you in a criminal proceeding?

Mrs. STEINBERG. I still decline to answer the question.

Mr. SCHERER. I ask that she be directed to answer the question.

The CHAIRMAN. You are directed to answer this question.

Mrs. STEINBERG. I decline to answer.

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact that in 1951 you were identified with W. E. B. Dubois in the American Peace Crusade.

Mrs. STEINBERG. I decline to answer the question on the same grounds.

Mr. ARENS. Are you presently under Communist discipline?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Are you presently a member of the Communist Party?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. KEARNEY. Counsel, I came in a little late. Is the witness an American citizen?

Mr. ARENS. Yes, sir; she is a native-born citizen.

Mr. KEARNEY. We are "proud" of her.

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact that you are a member of the Washington Bookshop.

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. After receiving your subpoena, tell us, please, with whom you discussed your prospective appearance before this committee.

Mrs. STEINBERG. With my counsel.

Mr. ARENS. Is there any other person with whom you discussed this appearance?

Mrs. STEINBERG. Excuse me. May I consult with my counsel a minute.

(The witness conferred with her counsel.)

Mrs. STEINBERG. I discussed it in addition with the other half of the partnership in my counsel's office.

Mr. ARENS. Did you discuss your appearance here today with any person known by you to be a member of the Communist conspiracy?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. How did you happen to select your counsel who appears with you today?

Mrs. STEINBERG. She is a personal acquaintance.

Mr. ARENS. How long have you been acquainted with your counsel?

Mrs. STEINBERG. I don't remember exactly.

Mr. ARENS. Have you been engaged with your counsel in any Communist Party activities?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that you are a member of the Marian Anderson Citizens Committee.

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Would you help this committee of the Government, under whose flag you enjoy protection, with your knowledge as to the formation of an organization known as the Peace Information Center?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. That Peace Information Center was part of the International Communist conspiracy; was it not?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Have you ever taken an oath of allegiance to a foreign power?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Have you ever distributed peace petitions?

Mrs. STEINBERG. I decline to answer that question on the same ground.

Mr. ARENS. Do you know a person by the name of Albert E. Kahn, K-a-h-n?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Are you presently employed?

Mrs. STEINBERG. No.

Mr. ARENS. When did you last have employment?

Mrs. STEINBERG. I resigned from my job several weeks ago.

Mr. ARENS. Where were you employed?

Mrs. STEINBERG. I was a stenographer.

Mr. ARENS. In what organization?

Mrs. STEINBERG. In a law office.

Mr. ARENS. What law office?

Mrs. STEINBERG. It wasn't a firm. It was an individual.

Mr. ARENS. What is the name of the individual?

Mrs. STEINBERG. Milton Paulson.

Mr. ARENS. For how long did you enjoy employment there?

Mrs. STEINBERG. Four years.

Mr. ARENS. Is Mr. Paulson, as an individual, engaged in practice of the law on his own?

Mrs. STEINBERG. That is right.

Mr. ARENS. And his law office is in New York City?

Mrs. STEINBERG. That is right.

Mr. ARENS. Where did you work immediately prior to your employment with Mr. Paulson?

Mrs. STEINBERG. I decline to answer that question on the ground of the fifth amendment.

Mr. ARENS. For how long had you been employed prior to the time that you became employed by Mr. Paulson?

Mrs. STEINBERG. I decline to answer that question on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer that question.

Mrs. STEINBERG. I decline to answer that question.

Mr. ARENS. What caused your resignation from the office of Mr. Paulson?

Mrs. STEINBERG. There were health reasons.

Mr. ARENS. Reasons of your own personal health?

Mrs. STEINBERG. That is right.

Mr. ARENS. For how long were you employed prior to your employment by Mr. Paulson?

Mrs. STEINBERG. I don't understand the question.

Mr. ARENS. Did you have employment prior to your employment by Mr. Paulson?

Mrs. STEINBERG. I decline to answer the question on the same grounds.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that this witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question.

Mrs. STEINBERG. I decline to answer that on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest that this concludes the staff inquiry of this witness.

The CHAIRMAN. Any questions?

Mr. Doyle? Mr. Frazier? Mr. Kearney? Mr. Scherer?

The witness is excused.

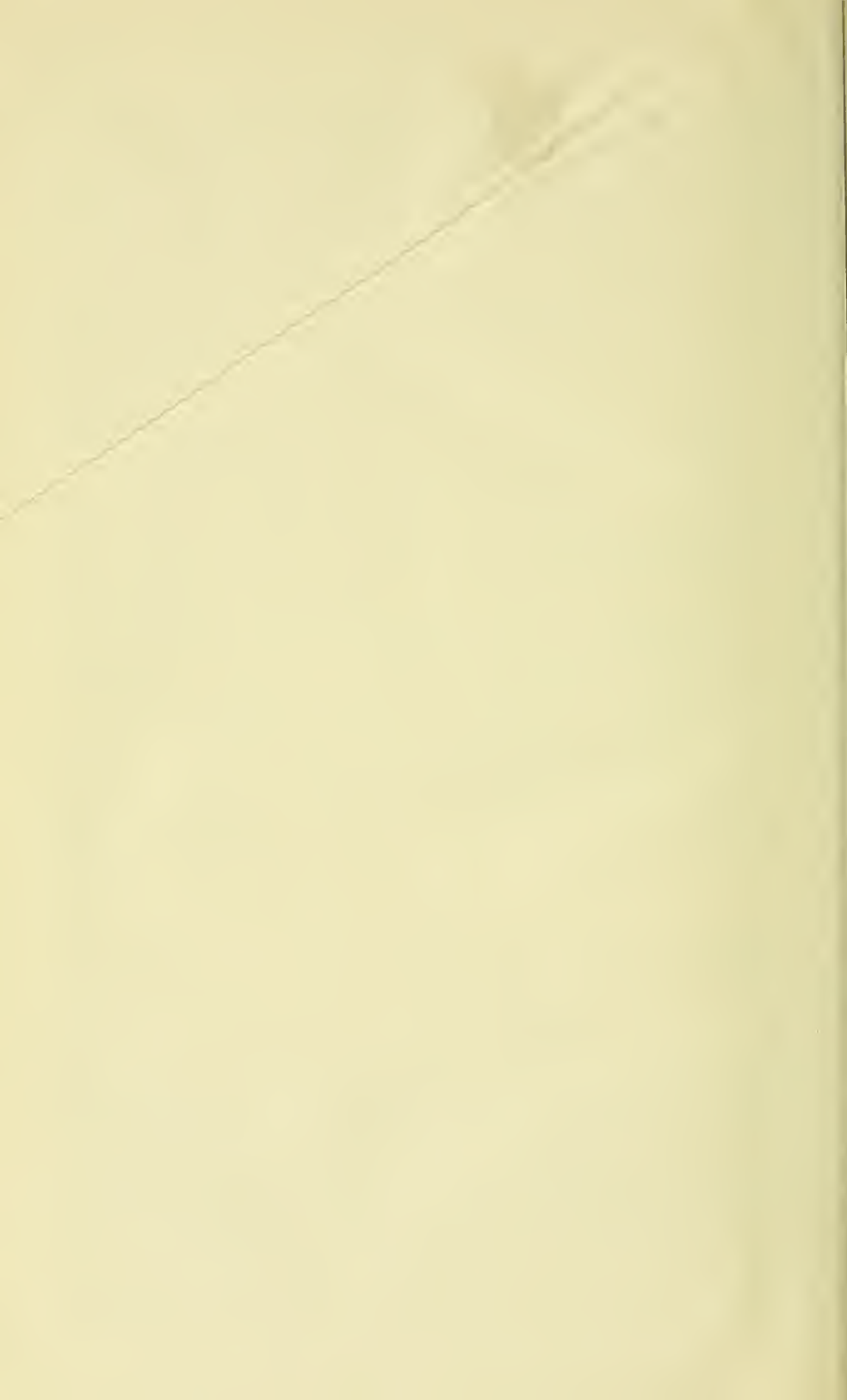
Is there another witness?

Mr. ARENS. There are no other witnesses under subpoena to appear today.

The CHAIRMAN. The committee stands in recess.

(Whereupon, at 3:15 p. m. Thursday, February 16, 1956, the committee was recessed, to reconvene at 10 a. m. Tuesday, February 21, 1956.)

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